



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB - 6 2014

MEMORANDUM

REPLY TO THE ATTENTION OF:

SUBJECT: Recommendation to Issue a Notice of Violation/Finding of Violation to
United Taconite LLC in Forbes, Minnesota

FROM: Sara J. Breneman SB
Chief
Air Enforcement and Compliance Assurance Branch

TO: George T. Czerniak
Director
Air and Radiation Division

I recommend that you issue a Notice of Violation and Finding of Violation (NOV/FOV) to United Taconite LLC, Forbes, Minnesota (UTAC). UTAC owns and operates a taconite iron ore processing plant at Highway 16, Forbes, Minnesota ("facility"). UTAC operates water scrubbers at the facility to reduce particulate matter emissions.

UTAC has failed to maintain continuous compliance with the prescribed daily average pressure differential rate and water flow rates at the facility's water scrubbers, in violation of the National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing ("NESHAP for Taconite Iron Ore Processing"). When deviations associated with pressure differential rate and water flow rate occurred at the scrubbers, UTAC failed to conduct the corrective actions required by the NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. §§ 63.9634(j)(1)-(4), to return the facility's scrubbers daily average pressure differential rate and water flow rate to levels at or above the minimum levels established during the initial or subsequent performance tests. Additionally, UTAC failed to conduct the required performance tests described at 40 C.F.R. § 63.9622(f) and required by 40 C.F.R. § 63.9634(j)(3).

We have also found violations of UTAC's permit number 13700113-005 ("Title V permit") issued to UTAC by the Minnesota Pollution Control Agency (MPCA).

State Representative Contacted:

Katie Koelfgen & MPCA by e-mail

Date:

06 February 2014

By:

Charlie Hall for B. Dickens



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 21 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Santi Romani
General Manager
United Taconite LLC
PO Box 180
Eveleth, Minnesota 55734

Re: Notice of Violation and Finding of Violation
United Taconite, LLC
Forbes, Minnesota

Dear Mr. Romani,

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to United Taconite, LLC (UTAC). We find that UTAC is in violation of the Clean Air Act (CAA), Section 112, 42 U.S.C. § 7412, and associated state or local pollution control requirements at your Forbes, Minnesota facility.

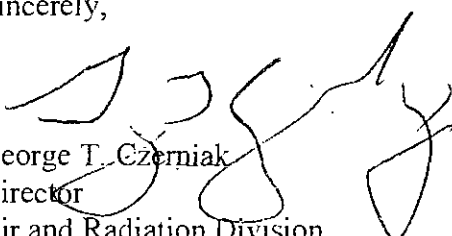
We have several enforcement options under Section 113(a) of the CAA, 42 U.S.C. § 7413(a). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Molly Smith. You may call her at (312) 353-8773 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,


George T. Czerniak
Director
Air and Radiation Division

cc: Jeff T. Connell, Manager
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Steven Palzkill, Air Compliance Inspector
Air Quality Division, Land & Air Compliance
Minnesota Pollution Control Agency
525 Lake Avenue South
Suite 400
Duluth, Minnesota 55802

Scott Gischia
Director, Environmental Compliance
US Iron Ore Operations
Cliffs Natural Resources
227 West 1st Street, Suite 500
Duluth, Minnesota 55802

Enclosure

2. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAPs) that present or may present a threat of adverse effects to human health or the environment.
3. Section 112(a) of the Act, 42 U.S.C. § 7412(a), defines "major source" as any stationary source or group of stationary sources located within a contiguous area and under common

control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any HAP or 25 tons per year (tpy) or more of any combination of HAP.

4. Section 112(c) of the Act, 42 U.S.C. § 7412(c), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAP, and to promulgate emission standards for each source category. These standards are known as "national emission standards for hazardous air pollutants" or "NESHAPs." EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.
5. The NESHAPs are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category.
6. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
7. The NESHAP General Provisions at 40 C.F.R. § 63.6(e)(1)(i) states that "at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions." 40 C.F.R. § 63.6(e)(1)(ii) states that "malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices."

NESHAP for Taconite Iron Ore Processing at 40 C.F.R. Part 63, Subpart RRRRR

8. On October 30, 2003, EPA promulgated the NESHAP for Taconite Iron Ore Processing at 40 C.F.R. Part 63, Subpart RRRRR. 68 Fed. Reg. 61888.
9. The NESHAP for Taconite Iron Ore Processing applies to, among other things, owners and operators of taconite iron ore processing plants. 40 C.F.R. § 63.9581.
10. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "taconite ore" to mean a low-grade iron ore suitable for concentration of magnetite or hematite by fine grinding and magnetic or floatation treatment, from which pellets containing iron can be produced.
11. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "taconite iron ore processing" to mean the separation and concentration of iron ore from taconite, a low-grade iron ore, to produce taconite pellets.

12. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "deviation" to mean any instance in which an affected source subject to this subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by the subpart, emission limitation (including operating limits) or operation and maintenance requirement; (2) Fails to meet any term or condition that is adopted to implement an applicable requirement in the subpart and that is included in the operating permit for any affected source required to obtain such a permit; or (3) Fails to meet any emission limitation in the subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by the subpart.
13. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "emission limitation" to mean an emission limit, opacity limit, or operating limit.
14. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "grate kiln indurating furnace" to mean a furnace system that consists of a traveling grate, a rotary kiln, and an annular cooler. The grate kiln indurating furnace begins at the point where the grate feed conveyor discharges the green balls onto the furnace traveling grate and ends where the hardened pellets exit the cooler. The atmospheric pellet cooler vent stack is not included as part of the grate kiln indurating furnace.
15. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9652, defines "ore crushing and handling" to mean the process whereby dry taconite ore is crushed and screened. Ore crushing and handling includes, but is not limited to, all dry crushing operations (e.g., primary, secondary, and tertiary crushing), dry ore conveyance and transfer points, dry ore classification and screening, dry ore storage and stockpiling, dry milling, dry cobbing (i.e., dry magnetic separation), and the grate feed. Ore crushing and handling specifically excludes any operations where the dry crushed ore is saturated with water, such as wet milling and wet magnetic separation.
16. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9590(a) states that each affected source must "meet each emission limit in Table 1 to this subpart that applies to you."
17. The NESHAP for Taconite Iron Ore Processing, at Table 1 Emission Limits, identifies existing source grate kiln indurating furnaces processing magnetite iron ore to comply with a 0.01 grains per dry standard cubic feet (gr/dscf) emission limit.
18. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9590(b)(1), provides that each wet scrubber required to meet the particulate matter emission limitations in Table 1 of Subpart RRRRR must maintain the daily average pressure drop and daily average scrubber water flow rate at or above the minimum levels established during the initial performance test.
19. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(e)(1), provides that each wet scrubber with pressure drop and water flow rates with emission limitations required in 40 C.F.R. § 63.9590(b)(1) must show continuous compliance. Each wet scrubber must maintain the daily average pressure drop and water flow rates established during the initial or subsequent performance tests.

20. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(e)(4), provides that if the daily average pressure drop and/or water flow rates drop below those established during the initial or subsequent performance tests, as required by 40 C.F.R. § 63.9634(e)(1), corrective action procedures described in 40 C.F.R. § 63.9634(j) must be followed.
21. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(1), provides the initial corrective action for wet scrubbers deviating from performance test limitations. The facility must initiate and complete initial corrective action within 10 calendar days and demonstrate that the initial corrective action was successful. During any period of corrective action, the facility must continue to monitor and record all required operating parameters for equipment that remains in operation. After 10 calendar days, measure and record the daily average operating parameter value for the emission unit or group of similar emission units on which corrective action was taken. After the initial corrective action, if the daily average operating parameter value for the emission unit or group of similar emission units meets the operating limit established for the corresponding unit or group, then the corrective action was successful and the emission unit or group of similar emission units is in compliance with the established operating limits.
22. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(2), provides that if an initial corrective action required in 40 C.F.R. § 63.9634(j)(1) was not successful, then the facility must complete additional corrective action within 10 calendar days and demonstrate that the subsequent corrective action was successful. During any period of corrective action, the facility must continue to monitor and record all required operating parameters for equipment that remains in operation. After the second set of 10 calendar days allowed to implement corrective action, the facility must again measure and record the daily average operating parameter value for the emission unit or group of similar emission units. If the daily average operating parameter value for the emission unit or group of similar emission units meets the operating limit established for the corresponding unit or group, then the corrective action was successful and the emission unit or group of similar emission units is in compliance with the established operating limits.
23. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(3), provides that, if a second attempt at corrective action required in 40 C.F.R. § 63.9634(j)(2) was not successful, then the facility must repeat the procedures in 40 C.F.R. § 63.9634(j)(2) until the corrective action is successful. If the third attempt at corrective action is unsuccessful, the facility must conduct another performance test in accordance with the procedures in 40 C.F.R. § 63.9622(f) and report to the Administrator as a deviation the third unsuccessful attempt at corrective action.
24. The NESHAP for Taconite Iron Ore Processing, at 40 C.F.R. § 63.9634(j)(4), provides that after the third unsuccessful attempt at corrective action, as detailed in 40 C.F.R. § 63.9634(j)(3), the facility must submit to the Administrator the written report required in 40 C.F.R. § 63.9634(j)(3) within five calendar days after the third unsuccessful attempt at corrective action. This report must notify the Administrator that a deviation has occurred and document the types of corrective measures taken to address the problem that resulted in the deviation of established operating parameters and the resulting operating limits.

Minnesota State Implementation Plan

25. On May 24, 1995, EPA approved Chapters 7007 and 7011 as part of the federally enforceable SIP for Minnesota, with an effective date of July 24, 1995. 60 Fed. Reg. 27411.
26. On May 18, 1999, EPA approved revisions to Chapters 7007 and 7011 as part of the federally enforceable SIP for Minnesota. 64 Fed. Reg. 26880.
27. On February 24, 2005, EPA revised the format of 40 C.F.R. Part 52 for materials submitted by the State of Minnesota that are incorporated by reference into its SIP (an administrative change affecting Chapters 7007 and 7011, among others). 64 Fed. Reg. 26880.
28. August 10, 2011, EPA approved revisions to the Minnesota SIP requirement at 7005.0100, Definitions, as part of the federally approved Minnesota SIP (Minn. Rule) (effective October 11, 2011). 76 Fed. Reg. 49303.
29. Minn. Rule 7005.0100 provides the following definitions for Minnesota SIP definitions:
 - a) "Emissions unit" means each activity that emits or has the potential to emit any air contaminant or pollutant. This includes each piece of equipment, machinery, device, apparatus, activity, or any other means whereby an emission is caused to occur or has the potential to occur. Minn. Rule 7005.0100, Subpart 10b.
 - b) "Existing facility" means an emission facility at which construction, modification, or reconstruction was commenced before the effective date of the applicable New Source Performance Standard or the applicable state air pollution control rule. Minn. Rule 7005.0100, Subpart 11a.
 - c) "Federally enforceable" means enforceable by the administrator of the EPA. Federally enforceable limitations, conditions, and requirements include requirements in or developed pursuant to Code of Federal Regulations, title 40, parts 60 and 61, requirements within any applicable state implementation plan, and any permit requirements established according to Code of Federal Regulations, title 40, section 51.166 or 52.21, or Code of Federal Regulations, title 40, part 51, subpart I. Minn. Rule 7005.0100, 11b.
30. On May 24, 1995, EPA approved Minn. Rule 7007.0800, Subpart 4(D), which provides that each permit shall specify operating and maintenance requirements for each piece of control equipment located at the stationary source. As necessary, the permit shall require the permittee to install, use, and maintain monitoring equipment or use monitoring methods. 60 Fed. Reg. 2711 (effective July 24, 1995).
31. On May 24, 1995, EPA approved Minn. Rule 7007.0800, Subpart 14, which provides that each permit shall specify operating and maintenance requirements for each piece of control equipment located at the stationary source.
32. On May 24, 1995, EPA approved Minn. Rule 7007.0800, Subpart 16(J), which provides that the permittee shall at all times properly operate and maintain the facilities and systems of

treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. 60 Fed. Reg. 2711 (effective July 24, 1995).

Title V Permit Requirements

33. On June 22, 2010, the Minnesota Pollution Control Agency (MPCA) issued a renewable operating permit, permit number 13700113-005 ("Title V permit") to the UTAC facility.
34. UTAC's Title V permit delineates the monitoring requirements for the facility's wet scrubbers. UTAC is required to maintain the daily average pressure drop and daily average scrubber water flow rate for each control device at or above the minimum levels established during the initial or subsequent performance tests. Minn. Rule 7007.0800, Subpart 4(D), Subpart 14, and Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995).
35. UTAC's Title V permit delineates that air pollution control equipment must operate "whenever the corresponding process equipment and emission units are operated, unless otherwise noted in Table A." Minn. Rule 7007.0800, Subpart 2 and Minn. Rule 7007.0800, Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995).

FINDINGS OF FACT

General

36. UTAC owns and operates a taconite iron ore processing facility at 1200 County Highway 16, Forbes, Minnesota.
37. Cliffs Natural Resources, Inc. is the owner of the UTAC facility.
38. UTAC operates two existing source, grate-kiln indurating furnaces, referred to as Unit #1 and Unit #2. The stacks for Unit #1 are referred to as SV046 and SV097. The stacks for Unit #2 are referred to as SV048 and SV049.
39. UTAC processes magnetite iron ore.
40. EPA issued UTAC Section 114 Information Requests on March 30, 2012, and November 4, 2013.
41. EPA received Section 114 Information Request responses from UTAC in letters dated May 4, 2012, and November 27, 2013.
42. EPA conducted an unannounced inspection at the UTAC facility on August 19, 2012.
43. In its November 27, 2013, Section 114 Information Request response, UTAC reported the following pressure-drop deviations from the facility's wet scrubbers. The deviations are from the NESHAP for Taconite Iron Ore Mining. Table 1 below is a summary of the deviations.

Table 1: Summary of Pressure Drop Deviations from Wet Scrubbers from October 28, 2008, to June 30, 2013. Deviations Are From the NESHAP for Taconite Iron Ore Mining

Emission Unit and Associated Stack Vent	Name	Dates of Pressure Drop Exceedances	Total Duration of All Exceedances (Number of Days)	Duration of Exceedances over 30 Days (Number of Days)
EU 042, SV048	Line 2 Pellet Induration (2A Waste Gas)	10/28/2008-1/19/2009	75	45
EU 042, SV 049	Line 2 Pellet Induration (2B Waste Gas)	11/26/2008-3/16/2009	101	71
EU 035, SV 111	Pellet Load Out	12/14/2008-1/27/2009	45	15
EU 039, SV 116	Line 1 Cooler New	4/28/2010-6/2/2010	36	6
EU 022, SV 028	South Transfer House	10/1/2011-11/4/2011	35	5
EU 035, SV 070	Line 2 Cooler New	4/5/2012-5/9/2012	34	4
EU 035, SV 111	Pellet Load Out	12/16/2012-1/18/2013	33	3

44. Table 2, below, summarizes water flow deviations reported by UTAC in its November 27, 2013, Section 114 Information Request response. The deviations are from the NESHAP for Taconite Iron Ore Mining.

Table 2: Summary of Water Flow Deviations from Wet Scrubbers from January 1, 2009 to June 30, 2013

Stack Vent #	Name	Dates of Water Flow Rate Exceedances	Total Duration of All Exceedances (# of days)	Duration of Exceedances over 30 Days (# of days)
EU 022, SV 028	South Transfer House	10/2/2011-11/4/2011	34	4
EU 035, SV 111	Pellet Load Out	12/18/2012-1/18/2013	31	1

45. Table 3, below, combines the duration of pressure drop and water flow deviations summarized in Tables 1 and 2. After thirty-days out of compliance with the operating limits set during the initial or subsequent performance testing, UTAC did not conduct performance testing on these units.

*Table 3: Summary of Units Not Performance Tested
After Being Out of Compliance for 30 Days*

Stack Vent #	Name	Deviation Category	Dates of Water Flow Rate Exceedances	Total Duration of Exceedances (# of days)	Duration of Exceedances over 30 Days (# of days)
EU 022, SV 028	South Transfer House	Water Flow	10/2/2011-11/4/2011	34	4
EU 035, SV 111	Pellet Load Out	Water Flow	12/18/2012-1/18/2013	31	1
EU 022, SV 028	South Transfer House	Pressure Drop	10/1/2011-11/4/2011	35	5
EU 035, SV 070	Line 2 Cooler New	Pressure Drop	4/5/2012-5/9/2012	34	4
EU 035, SV 111	Pellet Load Out	Pressure Drop	12/16/2012-1/18/2013	34	4

46. UTAC Submitted the following Title V compliance reports for 2010, 2011, 2012, and 2013 under cover letters with the corresponding dates as presented in Table 4, below:

Table 4: Title V Compliance Report Submittal Dates

Title V Compliance Report Reporting Period	Cover letter Submittal Date
January – June 2010	July 30, 2010
July – December 2010	January 27, 2011
January – June 2011	July 29, 2011
July – December 2011	January 20, 2012
January – June 2012	July 31, 2012
July – December 2012	February 8, 2013
January – June 2013	July 30, 2013

47. Table 5 below identifies periods of time, from July 1, 2011 through June 30, 2013, when the control device and continuous emission monitor (CEMS) were bypassed at the facility. The CEMS units monitor nitrogen oxide (NO_x) and sulfur dioxide (SO₂).

Table 5: Periods of time from January 1, 2011, through June 30, 2013, when the control device and CEMS units were bypassed

CEMS Monitor ID Number	Emission Unit	Pollutants	Dates of Bypass	Total Duration of Bypass (min)
MR001, 002	SV046 (Line 1)	NO _x , SO ₂	7/6/2011-12/31/2011	3,135
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO _x , SO ₂	7/9/2011-12/28/2011	3,162
MR001, 002	SV046 (Line 1)	NO _x , SO ₂	4/9/12-6/24/12	8,186
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO _x , SO ₂	4/2/12-6/27/12	4,677
MR001, 002	SV046 (Line 1)	NO _x , SO ₂	10/22/12-12/24/12	2,629
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO _x , SO ₂	10/2/12-12/31/12	6,100
MR001, 002	SV046 (Line 1)	NO _x , SO ₂	4/4/2013-6/26/13	12,023
MR004, 005, 007, 008	SV048, SV049 (Line 2)	NO _x , SO ₂	4/1/13-6/25/13	4,255

48. Table 6 below identifies periods of time, from January 1, 2013 through June 30, 2013, when the control device was bypassed at the facility releasing uncontrolled particulate matter (PM) into the atmosphere. A complete list of bypass dates and emission units can be reviewed in Attachment 1 to this NOV/FOV.

Table 6: Summary of periods of time from July 2012, through June 30, 2013, when the control device was bypassed for PM

Emission Unit	Month and Year	Duration of Bypass (Minutes)
Line 2, SV048, SV049	January 2013	690
Line 1, SV046	January 2013	142.2
Line 2, SV048, SV049	February 2013	84.6
Line 1, SV046	February 2013	1190.4
Line 2, SV048, SV049	March 2013	947.4
Line 1, SV046	March 2013	2647.4
Line 2, SV048, SV049	April 2013	718.8
Line 1, SV046	April 2013	845.4
Line 2, SV048, SV049	May 2013	2942.4
Line 1, SV046	May 2013	2949.6
Line 2, SV048, SV049	June 2013	187.8
Line 1, SV046	June 2013	7955.2
Line 2, SV048, SV049	July 2012	2346
Line 1, SV046	July 2012	297
Line 2, SV048, SV049	August 2012	1584.6

Line 1, SV046	August 2012	1142.4
Line 2, SV048, SV049	September 2012	721.8
Line 1, SV046	September 2012	707.4
Line 2, SV048, SV049	October 2012	2811.6
Line 1, SV046	October 2012	1612.2
Line 2, SV048, SV049	November 2012	1274
Line 1, SV046	November 2012	1455
Line 2, SV048, SV049	December 2012	313.2
Line 1, SV046	December 2012	209.4

49. Table 7, below, summarizes the deviations from the wet scrubber pressure-drop differential requirements contained in UTAC's Title V Permit:

Table 7: Wet Scrubber Pressure Drop Differential Deviations from January 1, 2010, to June 30, 2012, as Reported by UTAC in Title V Compliance Reports

Stack Vent Number	Averaging Period (Block Average)	Reporting Quarters	Reporting Year	Total Number of Readings Taken During Reporting Period	Total Number of Readings Reporting Pressure Drop Differential Deviation	Percent of Readings Indicating Pressure Drop Differential Deviation
SV007	24-hours	Q1,Q2	2010	177	5	3%
SV008	24-hours	Q1,Q2	2010	177	4	2%
SV010	24-hours	Q1,Q2	2010	173	4	2%
SV016	24-hours	Q1,Q2	2010	155	40	26%
SV008	24-hours	Q3,Q4	2010	175	4	2%
SV009	24-hours	Q3,Q4	2010	175	4	2%
SV010	24-hours	Q3,Q4	2010	179	4	2%
SV007	24-hours	Q1,Q2	2011	179	7	4%
SV009	24-hours	Q1,Q2	2011	179	4	2%
SV007	24-hours	Q3,Q4	2011	181	20	11%
SV007	24-hours	Q1,Q2	2012	175	7	4%
SV009	24-hours	Q1,Q2	2012	174	6	3%
SV010	24-hours	Q1,Q2	2012	174	17	10%
SV070	24-hours	Q1,Q2	2012	164	65	40%
SV025	24-hours	Q1,Q2	2012	177	5	3%
SV022	24-hours	Q1,Q2	2012	178	21	12%
SV007	24-hours	Q1,Q2	2012	177	5	3%
SV046	24-hours	Q1,Q2	2012	139	3	2%
SV050	24-hours	Q1,Q2	2012	166	6	4%
SV070	24-hours	Q1,Q2	2012	159	23	14%

SV048	24-hours	Q1,Q2	2012	163	16	10%
SV007	24-hours	Q3, Q4	2012	180	6	3%
SV020	24-hours	Q3, Q4	2012	170	4	2.4%
SV021	24-hours	Q3, Q4	2012	168	13	7.7%
SV022	24-hours	Q3, Q4	2012	172	36	20.9%
SV046	24-hours	Q3,Q4	2012	123	3	2.4%
SV041	24-hours	Q3,Q4	2012	167	41	24.6%
SV111	24-hours	Q3,Q4	2012	165	22	11.9%
SV021	24-hours	Q1,Q2	2013	168	10	6%
SV043	24-hours	Q1,Q2	2013	133	3	2.3%
SV050	24-hours	Q1,Q2	2013	159	5	3.1%
SV111	24-hours	Q1,Q2	2013	181	34	19%
SV048	24-hours	Q1,Q2	2013	161	6	3.1%

50. Table 8, below, summarizes the deviations from the wet scrubber water flow requirements contained in UTAC's Title V permit:

Table 8: Wet Scrubber Water Flow Deviations from January 1, 2010, to June 30, 2013, As Reported by UTAC in Title V Compliance Reports

Stack Vent Number	Averaging Period (Block Average)	Reporting Quarters	Reporting Year	Total Number of Readings Taken During Reporting Period	Total Number of Readings Reporting Water Flow Deviation	Percent of Readings Indicating Water Flow Deviation
SV017	24-hours	Q1,Q2	2012	177	11	6%
SV116	24-hours	Q1,Q2	2012	140	4	3%
SV041	24-hours	Q1,Q2	2012	160	32	20%
SV070	24-hours	Q1,Q2	2012	161	77	48%
SV111	24-hours	Q1,Q2	2012	185	8	4%
SV049	24-hours	Q1,Q2	2012	163	73	45%
SV017	24-hours	Q3,Q4	2012	172	36	20.9%
SV041	24-hours	Q3,Q4	2012	167	19	11.4%
SV070	24-hours	Q3,Q4	2012	167	66	39.6%
SV111	24-hours	Q3,Q4	2012	165	18	9.7%
SV049	24-hours	Q3,Q4	2012	167	64	36.3%
SV022	24-hours	Q1,Q2	2013	170	7	4.1%
SV070	24-hours	Q1,Q2	2013	169	6	3.6%
SV049	24-hours	Q1,Q2	2013	161	4	2.5%
SV111	24-hours	Q1,Q2	2013	181	31	17%

51. Table 9, below, summarizes UTAC reported periods of time between September 2012 and June 2013 when the facility operated an emission unit without the associated control device:

Table 9: Periods of Time When UTAC Operated Equipment Without a Control Device

Emission Unit	Dates	Period of Time Unit Was Operated Without Controls (Hours)
SV040	9/18/2012-9/18/2012	3
SV070	10/19/2012-10/19/2012	2
SV029	11/11/2012-11/12/2012	11
SV007, 008, 009	11/16/2012-11/19/2012	76
SV028	11/16/2012-11/17/2012	14
SV007, 008, 009	10/30/2012-12/3/2012	91.5
SV111	12/16/2012-1/8/2013	787
SV007	12/24/2012-12/26/2012	54.5
SV050	1/3/2013-1/3/2013	4.25
SV048	1/22/2013-1/23/2013	13.5
SV111	2/7/2013-2/7/2013	4
SV111	2/14/2013-2/14/2013	4
SV111	2/20/2013-2/20/2013	3
SV111	3/25/2013-3/25/2013	2
SV008	5/25/2013-5/25/2013	9.75
SV008	6/8/2013-6/11/2013	87.5
SV050	6/18/2013-6/18/2013	2.3

VIOLATIONS

NESHAP

52. For the time periods delineated in Table 3, on the occasions when UTAC failed to make successful corrective action attempts to correct pressure drop and water flow deviations, as described in 40 C.F.R. § 63.9634(j) (1) and 40 C.F.R. § 63.9634(j)(2), UTAC failed to conduct the required performance tests described at 40 C.F.R. § 63.9622(f) and required by 40 C.F.R. § 63.9634(j)(3).
53. On the occasions listed in Tables 1 and 2 UTAC failed to submit to the Administrator the written report required by 40 C.F.R. § 63.9634(j)(3) within five calendar days after the third unsuccessful attempt at corrective action, as detailed in 40 C.F.R. § 63.9634(j)(4). The report must notify the Administrator that a deviation has occurred and document the types of corrective measures taken to address the problem that resulted in the deviation of established operating parameters and the resulting operating limits.

54. On the occasions listed in Table 5, UTAC was in violation of the emissions limits established in 40 C.F.R. § 63.9590(a), which states each affected source must "meet each emission limit in Table 1 to this subpart that applies to you." The NESHAP for Taconite Iron Ore Processing, at Table 1 Emission Limits, identifies existing source grate kiln indurating furnaces processing magnetite iron ore to comply with a 0.01 gr/dscf emission limit.
55. For the units listed in Tables 1 and 2, UTAC was in violation of the NESHAP General Provisions at 40 C.F.R. Part 63 § 63.6(e)(1)(i) which states that "at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions." 40 C.F.R. Part 63 § 63.6(e)(1)(ii) states that "malfunctions must be corrected as soon as practicable after their occurrence. To the extent that an unexpected event arises during a startup, shutdown, or malfunction, an owner or operator must comply by minimizing emissions during such a startup, shutdown, and malfunction event consistent with safety and good air pollution control practices."

MN SIP and Title V Permit Requirements

56. For the time periods delineated in Table 7, UTAC was in violation of maintaining the daily average pressure differential at the corresponding scrubber stack vents. UTAC is required to maintain both the daily average pressure drop and the daily average scrubber water flow rate for each control device at or above the minimum levels established during the initial or subsequent performance tests, as required by the SIP and the Facility's Title V permit. Minn. Rule 7007.0800, Subpart 4(D), Subpart 14, and Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995). Permit Number 13700113 - 005, Table A, Limits and Other Requirements.
57. For the time periods delineated in Table 8, UTAC was in violation of maintaining the daily average water flow rate at the corresponding scrubber stack vents. UTAC is required to maintain both the daily average pressure drop and the daily average scrubber water flow rate for each control device at or above the minimum levels established during the initial or subsequent performance tests, as required by the SIP and the Facility's Title V permit. Minn. Rule 7007.0800, Subpart 4(D), Subpart 14, and Subpart 16(J). 60 Fed. Reg. 2711 (July 24, 1995). Permit Number 13700113 - 005, Table A, Limits and Other Requirements.
58. For the time periods delineated in Table 9, UTAC was in violation of Minn. Rule 7007.0800, Subpart 16(J), which provides that the permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. 60 Fed. Reg. 2711.

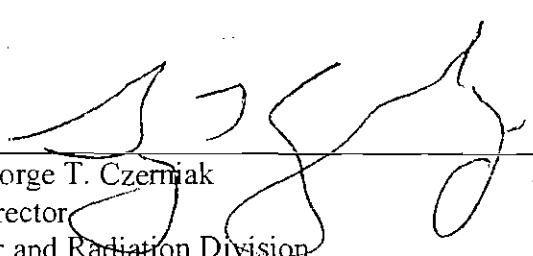
ENFORCEMENT AUTHORITY

59. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), provides in part that at any time after the expiration of 30 days following the date of the issuance of a NOV/FOV, EPA may,

without regard to the period of violation, issue an order requiring compliance with the requirements of the applicable SIP, issue an administrative penalty order pursuant to Section 113(d), or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

60. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if EPA finds that a person has violated or is in violation of any requirement or prohibition of any rule promulgated under Title I and/or Title V of the Act, EPA may issue an administrative penalty order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

2/21/14
Date


George T. Czerniak
Director
Air and Radiation Division

Attachment 1:

Complete List of Bypass Dates and Units When Particulate Matter Was Released Uncontrolled to the Atmosphere

Emission Unit	Dates of Bypass	Duration of Bypass (Minutes)
SV048, SV049	1/12/2013-1/12/2013	94.8
SV048, SV049	1/16/2013-1/16/2013	215.4
SV048, SV049	1/20/2013-1/20/2013	113.4
SV048, SV049	1/23/2013-1/23/2013	266.4
SV046	1/29/2013-1/29/2013	142.2
SV046	2/1/2013-2/1/2013	126
SV046	2/15/2013-2/16/2013	814.2
SV048, SV049	2/24/2013-2/24/2013	84.6
SV046	2/8/2013-2/8/2013	250.2
SV048, SV049	3/14/2013-3/14/2013	117.6
SV048, SV049	3/15/2013-3/15/2013	108.6
SV046	3/20/2013-3/20/2013	459.8
SV048, SV049	3/20/2013-3/20/2013	721.2
SV046	3/27/2013-3/29/2013	1875.6
SV046	3/4/2013-3/4/2013	168
SV046	3/8/2013-3/8/2013	144
SV048, SV049	4/1/2013-4/1/2013	74.4
SV046	4/10/2013-4/10/2013	64.2
SV048, SV049	4/12/2013-4/12/2013	144
SV048, SV049	4/13/2013-4/13/2013	118.2
SV046	4/13/2013-4/13/2013	277.8
SV046	4/20/2013-4/20/2013	216.6
SV048, SV049	4/29/2013-4/30/2013	319.8
SV048, SV049	4/9/2012-4/9/2013	62.4
SV046	4/9/2013-4/10/2013	286.8
SV046	5/10/2013-5/10/2013	79.8
SV048, SV049	5/14/2013-5/14/2013	246.6
SV046	5/19/2013-5/19/2013	64.2
SV048, SV049	5/22/2013-5/23/2013	2335.8
SV048, SV049	5/31/2013-5/31/2013	360
SV046	5/5/2013-5/7/2013	2805.6
SV046	6/10/2013-6/11/2013	1567.8
SV046	6/11/2013-6/12/2013	436.2

SV046	6/12/2013-6/13/2013	1101
SV046	6/15/2013-6/16/2013	1198.8
SV046	6/17/2013-6/17/2013	91.2
SV046	6/18/2013-6/19/2013	1172.4
SV046	6/20/2013-6/20/2013	199.8
SV046	6/20/2013-6/21/2013	92.4
SV046	6/25/2013-6/25/2013	133.2
SV046	6/26/2013-6/27/2013	675
SV046	6/4/2013-6/4/2013	829.8
SV048, SV049	6/6/2013-6/6/2013	187.8
SV046	6/8/2013-6/8/2013	376.6
SV046	7/12/2012-7/13/2012	81
SV048, SV049	7/14/2012-7/15/2012	1252.8
SV048, SV049	7/15/2012-7/15/2012	863.4
SV048, SV049	7/25/2012-7/25/2012	229.8
SV046	7/7/2012-7/7/2012	216
SV046	8/11/2012-8/11/2012	289.8
SV046	8/12/2012-8/12/2012	93.6
SV046	8/13/2012-8/13/2012	264
SV048, SV049	8/17/2012-8/17/2012	1244.4
SV048, SV049	8/20/2012-8/20/2012	69.6
SV048, SV049	8/27/2012-8/27/2012	270.6
SV046	8/29/2012-8/29/2012	495
SV046	9/10/2012-9/10/2012	341.4
SV048, SV049	9/28/2012-9/28/2012	721.8
SV046	9/6/2012-9/6/2012	366
SV048, SV049	10/17/2012-10/18/2012	1863
SV048, SV049	10/2/2012-10/2/2012	433.8
SV046	10/25/2012-10/25/2012	46.2
SV046	10/26/2012-10/27/2012	1381.8
SV046	10/27/2012-10/28/2012	184.2
SV048, SV049	10/29/2012-10/29/2012	514.8
SV046	11/16/2012-11/16/2012	91.2
SV046	11/17/2012-11/17/2012	755.4
SV046	11/20/2012-11/20/2012	547.8
SV046	11/26/2012-11/26/2012	60.6
SV048, SV049	11/28/2012-11/29/2012	60
SV048, SV049	11/3/2012-11/3/2012	114.6
SV048, SV049	11/30/2012-12/1/2012	605.4

SV048, SV049	11/4/2012-11/4/2012	258.2
SV048, SV049	11/5/2012-11/5/2012	235.8
SV046	12/16/2012-12/16/2012	193.2
SV046	12/24/2012-12/24/2012	16.2
SV048, SV049	12/31/2012-12/31/2012	313.2
SV046	12/7/2012-12/7/2012	589.8

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, Return Receipt Requested, to:

Santi Romani
General Manager
United Taconite LLC
PO Box 180
Eveleth, Minnesota 55734

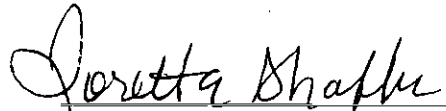
I also certify that I sent a copy of the Notice of Violation by First Class Mail to:

Jeff T. Connell, Manager
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Steven Palzkill, Air Compliance Inspector
Air Quality Division, Land & Air Compliance
Minnesota Pollution Control Agency
525 Lake Avenue South
Suite 400
Duluth, Minnesota 55802

Scott Gischia
Director, Environmental Compliance
US Iron Ore Operations
Cliffs Natural Resources
227 West 1st Street, Suite 500
Duluth, Minnesota 55802

on the 21st day of Feb 2014.



Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

Certified Mail Receipt Number: 7009 1680 0000 7672 8850

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Northern Tier Energy
Saint Paul Park Refining Company, LLC
301 Saint Paul Park Road
Saint Paul Park, MN 55071

ATTENTION:

Gregory Mullins
President

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Saint Paul Park Refining Company, LLC and/or Northern Tier Energy, LLC (SPPRC/NTE) to submit certain information about the facility at 301 St. Paul Park Road, St. Paul Park, Minnesota (the Facility). Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

SPPRC/NTE owns and operates an emission source at your St. Paul Park, Minnesota, facility. We are requesting this information to determine whether your emission source is complying with the Clean Air Act.

SPPRC/NTE must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

SPPRC/NTE must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

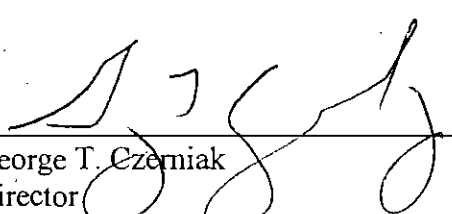
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject SPPRC/NTE to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Gregory Gehrig at 312.886.4434.

Date

4/17/14


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should

allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. "Document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. "Flare" is broadly defined as any open combustion unit (i.e., lacking an enclosed combustion chamber) whose combustion air is provided by uncontrolled ambient air around the flame, and that is used as a control or safety device. A flare may be equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a flame air control damping system to control the air/fuel mixture. In addition, a flare may also use auxiliary fuel. The combustion flame may be elevated or at ground level. For the purposes of this information request, the flare in question is the sole operational flare at the Facility that receives all gases intended to be combusted by a flare. This flare was detailed in the September 2012 SPPRC/NTE response to a May 2012 EPA information request (the May 2012 Request), Question No. 1.

3. "Pilot Gas" means gas injected at a flare tip to maintain a flame.
4. "Purge Gas" or "Sweep Gas" means all gas introduced prior to the Flare tip to protect against oxygen buildup in the Flare header and/or to maintain a constant flow of gas through the flare and out the tip.
5. "Relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
6. "Supplemental Gas" means all gas introduced to raise the heating value of Waste Gas.
7. "Vent Gas" means all gases found just prior to the flare tip. This gas includes all Waste Gas, Purge Gas, Supplemental Gas, nitrogen and hydrogen, but does not include Pilot Gas or steam.
8. "Waste Gas" means all gases routed to a flare for combustion, excluding Purge Gas, Supplemental Gas, Pilot Gas, and steam.

Appendix B

Information You Are Required to Submit to EPA

SPPRC/NTE must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), in accordance with the schedule specified in the paragraphs below:

1. Install and operate the Flare monitoring equipment described in SPPRC/NTE's September 2012 response to the May 2012 request, Question No. 17, which includes:
 - a. GE Panametrics GF868 Vent Gas velocity meter.
 - b. GE Panametrics GS868 steam velocity meter.
 - c. Siemens Maxum II gas chromatograph for Vent Gas composition monitoring.

Specifically, this equipment shall be installed on the Facility's Flare within 180 days from the receipt of this request. SPPRC/NTE shall configure and operate this steam and Vent Gas monitoring equipment continuously to the reasonable operating limits of the instruments and according to the manufacturer's specifications (e.g. measurement range, sample frequency, sensitivity, repeatability, accuracy, etc.).

2. SPPRC/NTE shall conduct the monitoring in paragraph 1 continuously for 120 days. The data to be collected from the equipment is specified in paragraph 5 below and shall be collected and recorded by SPPRC/NTE. The data shall be sent to EPA within 30 days of the end of the 120-day monitoring period in Microsoft Excel format.
3. If there are periods of abnormal operation or extended startup, shutdown or malfunction during this 120-day period, SPPRC/NTE shall record the start of the period, its duration, and the cause of each event. If such abnormal operating periods accumulate to more than 3 days in total, SPPRC/NTE shall notify EPA within 5 days following the exceedance of the 3 day threshold.
4. SPPRC/NTE shall provide to EPA a narrative description of operations vented to the Flare during the 120-day monitoring period within 30 days of the end of the 120-day monitoring period, including:
 - a. The source of intermittent upsets or releases vented to the Flare.
 - b. The process units not vented to the flare that are normally vented to the Flare.
 - c. The process units vented to the flare that are not normally vented to the Flare.
 - d. The volume, in standard cubic feet per minute (scfm), of Supplemental Gas routed to the Flare.

- e. The volume, in scfm, of Purge Gas routed to the Flare.
5. SPPRC/NTE shall provide EPA with monitoring data for all periods when Vent Gas is flowing to the flare. The data for each period shall be averaged over no greater than a one-hour interval. This data shall include:
- a. Steam flow to the flare in pounds per hour (lb/hr).
 - b. Vent Gas flow in lb/hr.
 - c. Net heating value (NHV) of the Vent Gas in British thermal units per standard cubic foot (BTU/scf).
 - d. Average molecular weight of the Vent Gas.
 - e. Steam to Vent Gas ratio (lb/lb).
 - f. Vent Gas composition. At a minimum, the following constituents shall be monitored in parts per million by volume (ppmv):
 - i. Hydrogen
 - ii. Water (steam)
 - iii. Oxygen
 - iv. Nitrogen
 - v. Carbon dioxide
 - vi. Methane
 - vii. Ethane
 - viii. Ethene
 - ix. Propane
 - x. Propene
 - xi. Butane
 - xii. Butene
 - xiii. Butadiene
 - xiv. Benzene
 - xv. Pentane
 - xvi. Pentene
 - xvii. Hexane
 - xviii. Hexene
 - xix. Sulfur dioxide
 - xx. Hydrogen sulfide
 - xxi. Hydrocarbons with seven (7) carbon atoms or more

In the event that any of these compounds are not readily detectible with the gas chromatograph and/or the detection of these compounds interferes with one another, SPPRC/NTE shall contact EPA to discuss alternatives prior to initiating the 120-day monitoring period.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

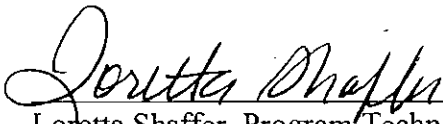
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Gregory Mullins
President
Saint Paul Park Refining Company, LLC
301 Saint Paul Park Road
St. Paul Park, MN 55071

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen, Manager
Compliance and Enforcement Section
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

On the 22 day of APRIL 2014.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7676 3953



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 13 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Greg Palen, Chairman
Spectro Alloys Corporation
13220 Doyle Path
Rosemount, Minnesota 55068

Re: Notice and Finding of Violation
Spectro Alloys
Rosemount, Minnesota

Dear Mr. Palen:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Spectro Alloys (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C § 7413(a)(1). We find that you are violating the Minnesota State Implementation Plan and federal regulations under Title V of the Clean Air Act at your Rosemount, Minnesota facility.

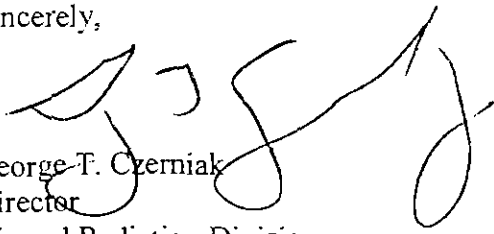
Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Czerniak", written over the printed name.

George T. Czerniak
Director
Air and Radiation Division

1. Under Section 112 of the CAA, the Administrator of EPA promulgated the General Provisions of the NESHAP at 40 C.F.R. Part 63, Subpart A; 40 C.F.R. § 63.1 – 63.16.
2. Under Section 112 of the CAA, the Administrator of EPA promulgated the NESHAP for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR; 40 C.F.R. § 63.1500 *et seq.*
3. Pursuant to the NESHAP at 40 C.F.R. § 63.1501, the owner or operator of an existing affected source must comply with the requirements of Subpart RRR by March 24, 2003; and the owner or operator of a new affected source that commences construction or

reconstruction after February 11, 1999, must comply with the requirements by March 24, 2000, or upon startup, whichever is later.

4. The NESHAP, at 40 C.F.R. § 63.1506(b), requires the owner or operator to provide and maintain easily visible labels posted at each group 1 furnace, group 2 furnace, in-line fluxer and scrap dryer/delacquering kiln/decoating kiln which identify the applicable emission limits and means of compliance, including: the type of affected source or emission unit; and the operational standards and control methods.
5. The NESHAP, at 40 C.F.R. § 63.1511(g), requires that the owner or operator of the facility, during required performance tests, establish a minimum or maximum operating parameter value, or an operating parameter range for each parameter to be monitored as required by 40 C.F.R. § 63.1510 which ensures the facility's compliance with the applicable emission limit or standard.
6. The NESHAP, at 40 C.F.R. § 63.1506 (m)(4), requires that the facility operating a continuous lime injection system maintain free-flowing lime in the hopper to the feed device at all times and maintain the lime feeder setting at the same level established during the performance test.
7. The NESHAP, at 40 C.F.R. § 63.1510(b), requires that the owner or operator prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance and monitoring (OM&M) plan.
8. The NESHAP, at 40 C.F.R. § 63.1510(b)(1-8), lists specific elements which are required in a facility's OM&M plan. These elements include, but are not limited to, a maintenance schedule for each process and control device that is consistent with the manufacturer's instructions and recommendations for routine and long-term maintenance. 40 C.F.R. § 63.1510(b)(7).
9. The NESHAP, at 40 C.F.R. § 63.1510(i)(2), requires that the facility inspect each lime feed hopper or silo at least once each 8-hour period and record the results of each inspection. The NESHAP, at 40 C.F.R. § 63.1517(b)(4) requires the owner or operator of the facility to retain the records of the lime feed hopper or silo inspections.
10. The NESHAP, at 40 C.F.R. § 63.1515(b), requires that each owner or operator of an existing affected source must submit a Notification of Compliance Status report (NOCS) within 60 days after the compliance date established by §63.1501(a). Each owner or operator of a new affected source must submit a notification of compliance status report within 90 days after conducting the initial performance test required by §63.1511(b), or within 90 days after the compliance date established by §63.1501(b) if no initial performance test is required.

11. The NESHAP, at 40 C.F.R. § 63.1515(b)(4), requires that the NOCS include the compliant operating parameter value or range established for each affected source or emission unit with supporting documentation and a description of the procedure used to establish the value (e.g., lime injection rate, total reactive chlorine flux injection rate, afterburner operating temperature, fabric filter inlet temperature), including the operating cycle or time period used in the performance test.
12. The NESHAP, at 40 C.F.R. § 63.1516(b), requires the owner or operator submit semiannual reports according to the requirements in §63.10(e)(3), including a certification of compliance with all monitoring, recordkeeping, and reporting requirements during the year.
13. The NESHAP, at 40 C.F.R. § 63.1517(a), requires that the owner or operator of the facility, as required by § 63.10(b), maintain files of all information (including all reports and notifications) required by the general provisions and this subpart.
14. The General Provisions of the NESHAP, at 40 C.F.R. § 63.10(b), require that the owner or operator of the facility maintain relevant records of all required maintenance performed on the air pollution and monitoring equipment and maintain files of all information (including all reports and notifications) required by Part 63 recorded in a form suitable and readily available for expeditious inspection and review.

Title V Regulations

15. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each State to develop and submit to EPA an operating permit program which meets the requirements of Title V. EPA granted interim approval to Minnesota's Title V program on June 16, 1995, effective July 16, 1995. 60 Fed. Reg. 31637. EPA proposed final approval of Minnesota's Title V program on October 30, 2001. 66 Fed. Reg. 54739. EPA granted Minnesota final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001. 66 Fed. Reg. 62967.
16. Title V regulations at 40 C.F.R § 70.3 provide that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
17. MPCA issued a Total Facility Operating Permit 03700066-001 to Spectro on June 15, 1995, and final Title V Permit 03700066-001 to Spectro on April 22, 2005.
18. Spectro's Permit 03700066-001 incorporates by reference the NESHAP for secondary aluminum production.
19. Spectro's Permit 03700066-001, Table B requires Spectro to submit, no later than 30 days

after the end of each calendar year, a Compliance Certification Report including an explanation of any period of excess emissions that occurred during the year, and certification that all monitoring, recordkeeping, and reporting requirements were met.

Minnesota State Implementation Plan

20. On May 24, 1995, EPA approved Rule 7007.0800 as part of the Federally Enforceable State Implementation Plan (SIP) for Minnesota.
21. Minnesota SIP Rule 7007.0800, Subpart 5(c), requires that the facility's permit include a requirement that the permittee retain records of all monitoring data and support information for a period of five years, or longer as specified by the commissioner, from the date of the monitoring sample, measurement, or report. The Rule defines support information to include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, and copies of all reports required by the permit and requires that the records be kept at the stationary source unless the permit allows otherwise.
22. Minnesota SIP Rule 7007.0800, Subpart 14, requires that the facility's permit include operating and maintenance requirements for each piece of control equipment located at the stationary source.
23. Minnesota SIP Rule 7007.0800, Subpart 16J, requires that the permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit.
24. Spectro's Permit 03700066-001 incorporates, by reference, the Minnesota SIP.

Factual Background

25. At all times relevant to this Notice, Spectro Alloys Corporation has owned and operated a secondary aluminum production facility, including Group 1 furnaces with add-on pollution control devices and continuous lime-injection systems, as those terms are defined at 40 C.F.R. § 63.1503, at its facility located at 13220 Doyle Path, Rosemount, Minnesota.
26. The facility is a "major source" as that term is defined at 40 C.F.R. § 63.2.
27. As a secondary aluminum production facility with Group 1 furnaces and associated continuous lime-injection systems, Spectro's facility is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 63, Subpart RRR.
28. Spectro submitted its Notification of Compliance Status (NOCS) to EPA and MPCA on March 8, 2013, establishing alkaline (lime) reagent feed settings for its Group 1 furnaces

based on August 23, 2012, December 6, 2012, December 13, 2012, and January 17, 2013 performance tests. During each performance test, Spectro achieved compliance with HCl limits using lime feed rates of 25%, 14.5%, 23.5%, and 13.5% at the Furnace #1 scrap dryer, Furnace #1 charge well, Furnace #3 charge well, and Furnace #3 scrap dryer, respectively.

29. On April 8, 2014 and April 30, 2014, the Minnesota Pollution Control Agency (MPCA) inspected Spectro's facility.
30. During the April 8, 2014 inspection, MPCA identified discrepancies among Spectro's lime feed hopper labels, lime feed digital settings, and lime feed rates established during its most recent performance tests and subsequently submitted in its NOCS. MPCA also noted that Spectro did not have multiple maintenance and operation files related to the OM&M plan requirements available for inspection. During the April 30, 2014 inspection, MPCA noted that Spectro had failed to change the previously identified deviations to the lime feed settings required by the NESHAP. The following table reflects MPCA's observations during both the April 8, 2014 and April 30, 2014 inspections.

Emission Unit	Performance Test Date	Performance Test setting in reports	Setting on Label during 4/8 and 4/30 Inspections	Inspection setting 4/8/14	Inspection setting 4/30/14	Comment
CE001 Furnace #1 Charge Well	12/6/2012	14.50%	14.50%	55%	23.50%	Label showed north hopper when should be south
CE004 Furnace #3 Scrap Dryer	1/17/2013	13.50%	12%	11.20%	11.10%	
CE006 Furnace #1 Scrap Dryer	8/23/2012	25%	17%	Not recorded	25.00%	
CE009 Furnace #3 Charge Well	12/13/2012	23.50%	23.50%	23.50%	60.00%	Label showed south hopper when should be north

31. Additionally, MPCA noted two charge well lime feed hoppers were transposed and incorrectly labeled "north" and "south."

32. On June 13, 2014, as a followup to the April inspections, Spectro provided to MPCA maintenance records for the years 2012-2014. Upon review of these records MPCA noted that Spectro had failed to document certain inspections, baghouse bag blowdown and maintenance, and furnace burner cleanings, among other requirements specified in its OM&M Plan. Failure to document these activities also constitutes failure to maintain all relevant records of required maintenance performed on the air pollution and monitoring equipment and maintain files of all information (including all reports and notifications), required by both its Permit and the NESHAP.
33. Spectro submitted Excess Emission Reports to EPA and MPCA on May 28, 2013, November 21, 2013, January 15, 2014, and March 11, 2014, certifying compliance with lime injection requirements and standards for the years 2012 and 2013.

Violations of Monitoring Requirements

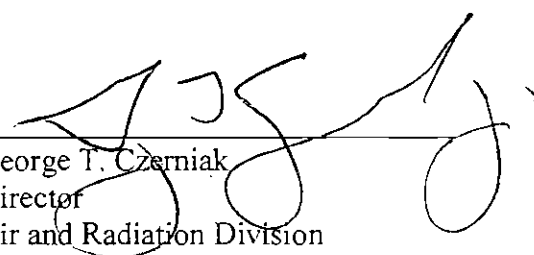
34. Spectro's failure to maintain free-flowing lime in the continuous lime-injection system hoppers to the feed devices at the same levels established during the performance tests required by 40 C.F.R. § 63.1511(g) is a violation of the NESHAP at 40 C.F.R. § 63.1511(g) and 63.1506 (m)(4), its Title V permit, and the Minnesota SIP at 7007.0800, Subpart 16J.
35. Spectro's failure to document inspections and maintenance required by the NESHAP is a violation of 40 C.F.R. § 63.1517(b)(4) and 63.1510(i)(2), and the Minnesota SIP at 7007.0800, Subpart 5(c).
36. Spectro's failure to monitor and keep records of all parameters and standards required by the NESHAP and its Title V permit is a violation of the NESHAP at 40 C.F.R. § 63.10(b), and its Title V Permit 03700066-001, Table B, and the Minnesota SIP at 7007.0800, Subpart 5(c).
37. Spectro's failure to provide to MPCA relevant records of all required maintenance performed on the air pollution and monitoring equipment and maintain files of all information (including all reports and notifications) required by Part 63 available for expeditious inspection and review is a violation of the NESHAP at 40 C.F.R. § 63.10(b).
38. Spectro's submittal of Compliance Certification Reports for the years 2012 and 2013 which certify compliance with all monitoring, recordkeeping, and reporting requirements despite failing to record certain inspections and maintenance procedures is a violation of the NESHAP at 40 C.F.R. § 63.1516(b) and 63.1515(b), and Table B of Permit 03700066-001.

Environmental Impact of Violations

39. Failure to meet operational limits may lead to violations of particulate emissions standards, which may increase public exposure to unhealthy particulate matter.

Date

1/13/15


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

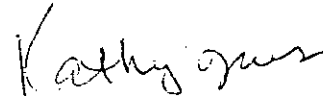
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. **EPA-5-15-MN-01**, by Certified Mail, Return Receipt Requested, to:

Greg Palen
Chairman
Spectro Alloys
13220 Doyle Path
Rosemount, Minnesota 55068

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Sarah Kilgriff
Air Compliance and Enforcement Unit Supervisor
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

on the 14th day of January, 2014.


for Loretta Shaffer, APA
AECAB/PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 5946

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Dow Water & Process Solutions
d/b/a Filmtec Corporation
5400 Dewey Hill Road
Edina, Minnesota 55439**

ATTENTION:

**Darren Lund
Environmental, Health & Safety - Delivery Leader**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Dow Water & Process Solutions (Dow or you) to submit certain information about the facilities located in Edina, Minnesota ("the facilities") doing business as Filmtec Corporation. Appendix A provides the instructions needed to answer this information request, including instructions for submitting certain information in an electronic format. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request. ~

We are issuing this information request under Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require you to submit certain information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Dow owns and operates emission sources at the facilities. We are requesting this information to determine whether your emission sources are complying with the Minnesota State Implementation Plan and the CAA.

Dow must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Dow must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of an administrative action or investigation.

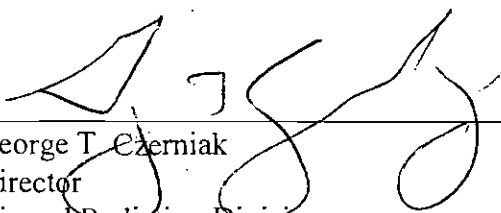
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Dow to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761 or at prentice.dakota@epa.gov.

Date

2/10/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The term “relate to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
3. Dow operates Filmtec Corporation’s manufacturing facilities under a Total Facility Operating Permit (Title V Permit), No. 05301149-003, issued on November 23, 2011. Production under this Title V Permit takes place at multiple buildings including but not limited to 5400 Dewey Lane and 7200 Ohms Lane, both in Edina, Minnesota. Production locations associated with the Title V Permit will be referred to collectively as “the Facilities.”

Appendix B

Information You Are Required to Submit to EPA

Dow must submit the following information for the Facilities, doing business as Filmtec Corporation, located in Edina, Minnesota pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days of its receipt of this letter.

1. Provide a copy of each current air permit issued to Dow for the Facilities by the Minnesota Pollution Control Agency (MPCA), including, but not limited to State and Federal Part 70 operating and construction permits.
2. Provide a copy of all permit applications submitted to MPCA since March 2005 for the Facilities. Also provide a copy of the original permit application for the current Part 70 permit for the Facilities.
3. Provide copies of all Semi-Annual Deviations Reports and all Notification of Deviations Endangering Human Health and the Environment or equivalent documents submitted to MPCA for the Facilities since March 1, 2010.
4. Provide copies of all Annual Reports and annual emission inventories submitted to MPCA for the Facilities from March 1, 2010, to the present. For each pollutant emitted by the Facilities, provide a narrative describing the method used for the annual emissions calculations, including the basis of any emissions factors used, and any documents outlining the procedures or methods used to calculate annual emissions at the Facilities.
5. Provide a list and copies of each emissions test conducted at the Facilities for any reason, from March 1, 2005, to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the emissions tests:
 - a. **List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
 - b. **Copies:** Provide full emissions test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide all documents related to all studies, inspections, or evaluations conducted or attempted for any reason from March 1, 2005, to the present, associated with air pollution control equipment and control systems at the Facilities, including but not limited to:
 - a. System improvements implemented based on findings of any study, inspection, or evaluation; and
 - b. Modeling emissions of air pollutants to the atmosphere.

7. Identify and describe, in a chronologically organized table, all capital expenditures greater than \$25,000 commenced at any emission unit at the Facilities, from March 1, 2010, to the present. This list must contain the approximate date each project (including maintenance projects and modifications) commenced; the date each project was completed or implemented; a brief description of each project; a list of major expenses for each project; and the fixed capital cost of each project in nominal dollars. This list should include, but not be limited to, capital expenditures associated with changes in raw material feed rates, production rates, emission rates, and/or air pollution control equipment.
8. For each project identified in Question 7 that costs more than \$50,000, provide copies of all capital appropriation requests, financial justifications, and authorizations, including attachments and addenda, generated by or prepared on behalf of the Facilities, Dow, or its predecessors concerning that project.
9. Provide the current "projected capital outlay plan" or any other document(s) that sets forth operational and equipment changes and identifies the projected capital expenditures that the Facilities will be making in the next five years (or any other planning period used) at the Facilities. In addition, provide capital planning documents (i.e., five year plans and all other comparable documents) for the period March 1, 2010, to the present.
10. Provide a facility diagram(s) with the following information:
 - a. Process overview with all material entering and exiting each process unit;
 - b. Emission units;
 - c. Emission unit installation date;
 - d. Air pollution control equipment with collection/destruction efficiency; and
 - e. The routing of emissions from each emission unit to each air pollution control unit with capture efficiency at each pickup point.
11. Provide the following information for each emission unit at the Facilities from March 1, 2010, to the present:
 - a. Monthly and annual maximum production limit;
 - b. Monthly and annual maximum production capacity;
 - c. The basis for each production limit (e.g., physical limitations or synthetic limits established for MPCA permit); and
 - d. For each monthly and annual capacity increase, document the physical or operational modification at the emission unit and the change in potential to emit from that emission unit.

12. Provide the monthly production at each membrane line, in terms of “8-inch equivalent units,” from March 1, 2010, to the present, in an Excel workbook:
13. Provide the following chemical use information from March 1, 2010, to the present, in an Excel workbook:
 - a. Monthly usage of each hazardous air pollutant (HAP) and volatile organic compound (VOC) containing solvent at each membrane line at the Facilities; and
 - b. Material safety data sheets (MSDS) for each HAP and VOC containing materials.
14. Provide the following information for each carbon adsorption unit in use at the Facilities from March 1, 2010, to the present:
 - a. Records of each control equipment non-operating period when the associated emission unit(s) was in operation;
 - b. Records of each quarterly and annual inspection;
 - c. Records of each annual calibration of the monitoring equipment;
 - d. Recorded operating parameters monitored at the scrubber;
 - e. Operating parameter limits;
 - f. The method used to establish each operating parameter limit; and
 - g. Effective dates of the operating limit parameters.
15. Provide the following information for each thermal oxidizer in use at the Facilities from March 1, 2010, to the present:
 - a. Records of each control equipment non-operating period when the associated emission unit(s) was in operation;
 - b. Records of each quarterly and annual inspection;
 - c. Records of each annual calibration of the monitoring equipment;
 - d. The three-hour rolling average temperature at the outlet of the combustion chamber;
 - e. The three-hour average temperature compliance limit;
 - f. The method used to establish the compliance temperature limit; and
 - g. Effective dates of the compliance temperature limits.

16. Provide the following information for the UF Line (GP 004) and associated emission units in use at the Facilities from March 1, 2010, to the present:
 - a. Records of the total amount of VOC used as a 12-month rolling average (megagrams); and
 - b. Records provided to MPCA and/or EPA pursuant to 40 C.F.R. § 60.747(c).
17. Provide all correspondence with MPCA and/or EPA regarding the applicability of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Surface Coating of Plastic Parts and Products at 40 C.F.R. Part 63, Subpart PPPP.
18. Provide the basis for calculating and reporting hourly and annual dryer emissions at the Facilities.
19. Provide the basis for the assertion that curing ovens at the Facilities can be described as insignificant activities for MPCA permitting purposes. Include annual and hourly emission calculations with supporting documentation.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

- Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

- Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

- A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A),(B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

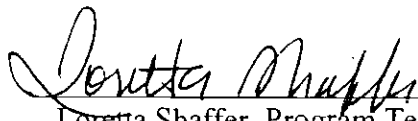
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Darren Lund
Dow Water & Process Solutions
d/b/a Filmtec Corporation
5400 Dewey Hill Road
Edina, Minnesota 55439

I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First-Class Mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North

On the 12 day of February 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 76261710

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Diamond Vogel North, Inc.
2020 N. Second Street
Minneapolis, Minnesota 55411

ATTENTION:

Randy Ritsema
Regulatory Affairs Specialist

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Diamond Vogel North, Inc. (Diamond Vogel or you) to submit certain information about the facility at 2020 N. Second Street, Minneapolis, Minnesota 55411. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Diamond Vogel owns and operates an emission source at the Minneapolis, Minnesota facility. We are requesting this information to determine whether your emission source is subject to and complying with requirements for any CAA permit, the Minnesota State Implementation Plan, and CAA regulations, including, but not limited to, the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants.

Diamond Vogel must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Diamond Vogel must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

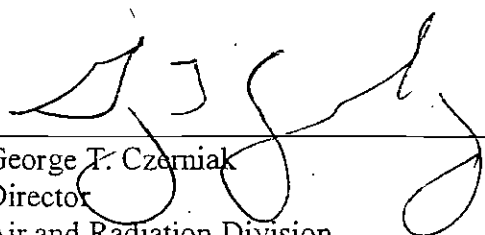
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Diamond Vogel to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Greg Gehrig at (312) 886-4434.

2/18/15
Date


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B. **If the question requests numeric data, please provide this data in a Microsoft Excel format or similar.**
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in

image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Diamond Vogel must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) for your facility located at 2020 N. Second Street, Minneapolis, Minnesota 55411:

1. Provide a narrative description of each of Diamond Vogel's processes, from the point of receipt of raw materials at the facility until products are shipped from the facility. Include the following information for each process:
 - a. The time it takes to mix a batch;
 - b. The time it takes to clean a mix tank between batches;
 - c. The amount of xylene used to clean a mix tank;
 - d. How waste is handled;
 - e. Any process involving a chemical reaction;
 - f. Transfers of materials containing volatile organic compounds (VOCs) that are not fully enclosed and may be open to the air; and
 - g. A list of all batch mixing tanks, including size of tanks in gallons.
2. From January 1, 2011 to the present, provide the following information:
 - a. The total amount in pounds of each raw material received at the facility that contains VOCs;
 - b. The weight percentage of each VOC in each raw material;
 - c. The total amount in pounds of each VOC received at the facility per calendar year;
 - d. The total amount in pounds of each product and each waste shipped from the facility that contains VOCs;
 - e. The weight percentage of each VOC in each product or waste; and
 - f. The total amount in pounds of each VOC shipped from the facility per calendar year.

For any wastes, correct for the amount of any waste that is not a VOC in the shipment, including the weight of containers. For products, include the type of container (5 gallon pail, 55 gallon drum, etc.) in which each product was shipped.

3. Provide a chemical inventory for any material that contains VOCs. Provide the weight percentage of each VOC in each raw material, product and waste in inventory. Provide the total amount of each VOC held at the end in inventory at the end of each calendar year since December 31, 2010. Note this includes the end of calendar year 2010.
4. Provide summaries and calculations in paragraphs 2 and 3, above, in Microsoft Excel format.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

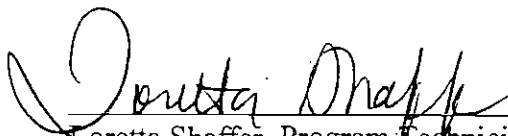
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Randy Ritsema
Regulatory Affairs Specialist
Diamond Vogel Paints
1020 Albany Place SE
Orange, LA 51041

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen, Section Manager
Land & Air Compliance Section
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

On the 18 day of Feb 2015.


Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7670 1266

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Gopher Resource, LLC
685 Yankee Doodle Road
Eagan, Minnesota 55121**

ATTENTION:

**Mr. Chris Swanberg
EHS Director**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Gopher Resource, LLC (Gopher or you) to submit certain information about the facility at 685 Yankee Doodle Road, Eagan, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Gopher owns and operates an emission source at the Eagan, Minnesota facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Lead Smelters at 40 C.F.R. Part 63, Subpart X.

Gopher must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Gopher must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks to collect information from specific individuals or entities as part of an administrative action or investigation.

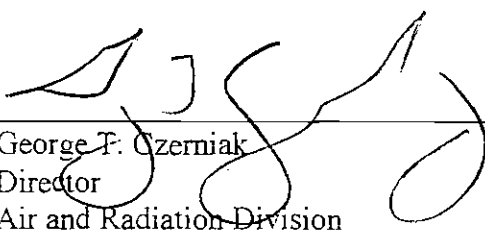
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Gopher to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Eleanor Kane at (312) 353-4840 or kane.eleanor@epa.gov.

Date

2/18/15


George F. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. If you have already submitted the information requested below to EPA, there is no need to reproduce the information as long as your response identifies the information produced, the date of production, and the manner in which it was provided to EPA.
6. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
7. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelters at 40 C.F.R. Part 63, Subpart X.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Gopher Resource, LLC (Gopher) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 calendar days after receiving this request. All questions refer to Gopher's facility in Eagan, Minnesota

1. Provide a copy of each current air permit issued to Gopher by the Minnesota Pollution Control Agency (MPCA).
2. Provide a copy of all permit applications submitted to MPCA since January 2010.
3. Provide copies of all annual emissions reports submitted to MPCA for 2010 to the present. Provide a narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used, and any documents outlining procedures for calculating annual emissions.
4. Provide copies of any deviation or excess emission reports submitted to MPCA since January 2010.
5. Provide copies of all semi-annual compliance reports submitted to MPCA since January 2010.
6. Provide a list and copies of each emissions test conducted for any reason, from January 2010 to the present. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack tests:
 - a. **List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with the state permitting agency.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
7. Provide copies of all visible emissions readings performed using EPA Method 9 from January 2010 to the present (excluding any readings provided with the reports included with Item 6, above).
8. Provide a copy of the standard operating procedures manual prepared pursuant to 40 C.F.R. §63.548(a).
9. For January 2014 to the present, provide monthly records of the concentration of lead in each process vent, and the flow-weighted average concentration of lead compounds in vent gases calculated as required in 40 C.F.R. § 63.543(a)(2).

10. For January 2014 to the present, provide (in an Excel Workbook or other compatible format) rolling 15-minute average readings of the continuous pressure monitors for the total enclosure.
11. Provide the following information related to the differential pressure monitors used to comply with 40 C.F.R., Part 63, Subpart X:
 - a. Manufacturer's specifications;
 - b. Manufacturer's installation guidance;
 - c. Date of installation of each gauge; and
 - d. Date of installation of wind shield at gauge.
12. From October 2013 to the present, provide records of monthly inspections for all barriers on outside openings of areas maintained at negative pressure for compliance with 40 C.F.R., Part 63, Subpart X. Provide documentation of corrective action for any damage observed at barriers.
13. From October 2013 to the present, provide records of monthly inspections of ventilation systems, including accuracy testing at magnehelic gauges. Provide documentation of any corrective action associated with holes or positive static pressure in ventilation system and the repair/replacement of defective magnehelic gauges.
14. For the East Reverberatory Furnace (EU007), provide, in an Excel Workbook or other compatible format, three-hour average data for natural gas or propane usage from January 2010 to the present. For each data point, provide whether the Blast Furnace (EU009) and EU007 were both operating or not.
15. From January 2010 to the present, provide records of any torit filter downtime; the results of any building negative pressure test performed in response; and any additional corrective action taken.
16. Provide the following information related to all bag leak detection systems (BLDSs) in use:
 - a. The manufacturer's operation and maintenance guidance documents;
 - b. The manufacturer's guidance documents used for establishing alarm setpoints and delay times;
 - c. All operation and maintenance guidance documents developed by Gopher used for establishing alarm setpoints and delay times;
 - d. The emission point, air pollution control unit, and process associated with each BLDS;

- e. The alarm setpoints and delays utilized by Gopher from installation of the BLDS to the present;
 - f. The data used to justify each modification of either an alarm setpoint or delay time and a narrative description of why the modification was appropriate; and
 - g. An electronic record of the BLDS output, from January 2010 to the present.
17. Provide the following information for each baghouse, from January 2010 to the present:
- a. A list of all emissions units connected to the baghouse and a detailed explanation of how emissions are routed to it, including a description of any capture mechanism.
 - b. All records of the differential pressure readings taken at each baghouse in an Excel Workbook or other compatible format, including the date and time of the readings;
 - c. All inspection, maintenance, and repair logs;
 - d. Documentation of how the emissions factors were derived and maximum hourly emission rates used by Gopher to determine PM and lead emissions;
 - e. Any excess opacity or opacity deviation reports, including during periods of start-up, shut-down, and malfunction;
 - f. Provide the operating limits for the differential pressure across each baghouse, the method used to establish the values, and the effective date of these operating limits; and
 - g. In an Excel Workbook or other compatible format, list periods when the reverberatory furnace and/or the blast furnace were in operation, but the process baghouse was down.
18. Provide a copy of all ventilation or engineering studies associated with identifying or reducing lead emissions performed from January 2000 to the present. Provide documents related to any physical or operational changes made by Gopher based on the findings or recommendations of each study.
19. For all proposed ventilation or engineering studies associated with identifying or reducing lead emissions from January 2000 to the present, provide the proposed scope of work, and the planned start date for the study.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide

Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mr. Steve Yates, EHS Director
Gopher Resource, Inc.
685 Yankee Doodle Road
Eagan, Minnesota 55121

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North

On the 23 day of February 2015.

Loretta Shaffer

Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 1280

Standard bcc's:

Official File Copy w/Attachment (s)
Originating Organization Reading File w/Attachment(s)

Other bcc's:

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Request - Nov 2014 - v3.docx

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**The C. Reiss Coal Company
Duluth Dock
50th Avenue West and LeSure
Duluth, Minnesota 55816**

ATTENTION:

**Robert Valley
Plant Manager**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring The C. Reiss Coal Company (Reiss or you) to submit certain information about the facility at 50th Avenue West and LeSure, Duluth, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule provided in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information and monitoring. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Reiss owns and operates an emission source at the Duluth, Minnesota facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan, requirements of your operating permit, and the CAA.

Reiss must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

and also submit the information via electronic mail to miller.patrick@epa.gov and to cantello.nicole@epa.gov.

Reiss must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks the collection of information from The C. Reiss Coal Company, a specific entity, as part of a discrete administrative action or investigation.

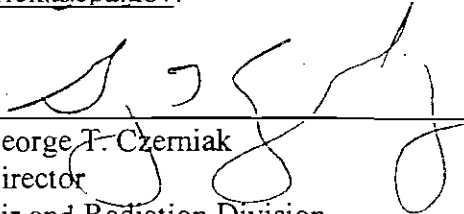
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Reiss to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Patrick Miller at 312.886.4044 or via electronic mail at miller.patrick@epa.gov.

Date

3/4/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image

format. If Excel format are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and the Minnesota State Implementation Plan.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

The C. Reiss Coal Company (Reiss) must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) according to the schedule provided below for your facility located at 50th Avenue West and LeSure in Duluth, Minnesota.

1. Within 10 days of receipt of this Request, Reiss shall submit a written certification of its intent to comply with this Request.

For Items 2 – 5, submit the following information within thirty (30) calendar days of receipt of this request.

2. Provide the following information for the time period of January 1, 2013 to January 31, 2015:
 - a. Each bulk solid material handled;
 - b. The annual tonnage throughput for each bulk solid material;
 - c. The handling methods used to receive, store and ship each bulk solid material;
 - d. Identify which bulk solid materials are screened;
 - e. Identify any dust controls used to minimize emissions from stockpiles for each bulk solid material, such as dust suppressants or tarp covers; and
 - f. The maximum onsite storage for each bulk solid material.
3. Provide all moisture content test records as required by Reiss's Air Emission Permit (Permit Number 13700071-001), for emission source GP 001- Screening, for each different feed material screened for the time period of January 1, 2013 through January 31, 2015. The moisture content test records shall include the following information:
 - a. The method used to determine moisture;
 - b. The results;
 - c. The date and time; and
 - d. And name of person performing the each test.

4. If there are no moisture content test records during the time period identified in Item 2, provide the most recent moisture content test records for each different feed material screened. The moisture test records shall include all of the information listed in Item 3.
5. Provide all quarterly reports, as required by Reiss's Air Emission Permit (Permit Number 13700071-001), for emission source GP 002- Fugitive Sources, for the time period of January 1, 2013 through January 31, 2015, that include the following information:
 - a. The hours each day in which stockpile bulk solid materials were handled without the operation of the wet suppression system; and
 - b. The periods of time in which the mobile water truck and/or sprinklers were not available.

For Items 6-25, the following monitoring results, and general information for shall be installed/provided within the specified time frames:

PM₁₀ Monitors and Siting

6. Reiss shall install ambient air monitors for particulate matter (PM) at its facility.
7. Within 30 days of receipt of this information request, Reiss shall submit at least two possible monitoring site locations and a single proposed location for EPA review and approval prior to establishing the monitoring site. The proposal for monitoring site locations shall include a map showing the property lines of the facility, the locations of nearby residences and industrial properties, and proposed locations of the monitoring sites. The monitoring site shall be placed in the prevailing downwind location. Reiss shall submit an annual wind rose and four seasonal wind roses showing wind patterns as reported for the past five years at the nearest available meteorological station
8. Within 30 days of EPA approval of the monitoring site location specified in Item 7, Reiss shall install, operate, and maintain at least one ambient monitoring site at the facility. The site shall contain at least one continuous Federal Equivalent Method (FEM) real-time PM₁₀ monitor. The site shall contain at least one Federal Reference Method (FRM) PM₁₀ filter-based monitor operating every third day.
9. The monitoring site and monitoring equipment shall conform with the following requirements:
 - a. The PM₁₀ real-time monitor shall meet all of the specifications of FRM/FEM monitors on this list;
www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf;

- b. Reiss shall follow all monitoring, siting, and quality assurance criteria in 40 CFR Part 58, Appendix E;
 - c. PM_{10} concentrations from filter-based sampling shall be determined according to 40 CFR Part 50, Appendix J -- "Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere";
 - d. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM_{10} ; and
 - e. A data logger shall be attached to the monitors to record readings from the continuous monitors.
10. Reiss shall follow all monitoring, siting, and quality assurance criteria as detailed in 40 CFR Part 58, Appendix A "Quality Assurance Requirements for SLAMS, SPMs, and PSD Air Monitoring" and Appendix D "Network Design Criteria for Ambient Air Quality Monitoring."
 11. The monitors shall be operated in accordance with operating procedures identified in the Quality Assurance Handbook for Air Pollution Measurement Systems "Volume I: A Field Guide to Environmental Quality Assurance" and "Volume II: Ambient Air Quality Monitoring Program."
 12. Reiss shall be responsible for all operation and maintenance associated with the PM_{10} monitors. Reiss shall properly change the PM_{10} filters in all sampling devices. Maintenance shall include, at a minimum, the replacement of any equipment and cleaning on a schedule specified in the manufacturer's maintenance manual.
 13. Reiss shall order and pay for any necessary replacement parts, accessories, maintenance, etc.
 14. Reiss shall archive all filters from the PM_{10} filter-based instruments for at least two years.
 15. Monitoring shall take place for at least one year from the date of installation.

Wind Speed and Direction Monitoring

16. Reiss shall install a meteorological tower at a location representative of local wind conditions. At a minimum, the meteorological tower must continuously measure and record wind speed and wind direction at one-hour intervals throughout the entire ambient monitoring period. Reiss shall correlate 1-hr and 24-hr ambient PM_{10} measurements with wind speed and wind direction data to determine source direction and the effects of wind speed on PM_{10} concentrations (e.g., a pollution wind rose that displays the pollution concentration and wind direction frequency).

The meteorological tower must also include calibrated ambient temperature and pressure instrumentation for purposes of determining corrected (actual) PM₁₀ concentrations as recorded by the monitors. Reiss shall maintain and/or submit reports and records in accordance with the paragraphs 17-25, below.

17. With respect to the meteorological monitoring site, Reiss shall follow the Quality Assurance Handbook for Air Pollution Measurement Systems Volume IV: Meteorological Measurements Version 2.0 (Final) found at:
http://www.epa.gov/ttnamtl/files/ambient/met/Volume%20IV_Meteorological_Measurements.pdf
18. The internal clocks of all PM₁₀ analyzers, data loggers, and the wind speed and wind direction data logger shall be synchronized to within 60 seconds of each other (local time and not adjusted for Daylight Savings Time) and shall be checked against a calibrated reference clock at least once every 30 days. Instrument clocks that are more or less than 60 seconds from the reference clock shall be reset to within 60 seconds of the reference clock. Each of these inconsistencies and each reset time shall be noted in the study log.
19. Reiss shall be responsible for maintenance associated with the meteorological tower on a schedule specified in the manufacturer's maintenance manual. Reiss shall order and pay for any necessary replacement parts, accessories, maintenance, etc.

General Requirements Applicable to All Requests

20. Within 30 days of EPA approval of the monitoring sites, Reiss shall submit a Quality Assurance Project Plan (QAPP) to EPA. The guidance document for writing a QAPP is "EPA Guidance for Quality Assurance Project Plans," EPA QA/G-5, EPA/600/R-02/009 - December 2002. The guidance is available at <http://www.epa.gov/QUALITY/qs-docs/g5-final.pdf>.
21. Reiss shall provide EPA access to the monitoring sites and respond to any inquiries regarding monitor siting, operations, or maintenance. In the event that an inspector or auditor identifies problems, Reiss shall take appropriate corrective actions. Any changes made to monitor siting, operations, or maintenance shall be approved by EPA prior to the change.
22. Reiss shall keep a daily log and monthly reports of the following information:
 - a. Each site visit and operator activities;
 - b. Any monitoring system downtime (date, time, duration, and reason) along with any corrective actions taken;

- c. Any possible interferences observed by the operator such as nearby construction or demolition; and
 - d. Any calibration data provided by the manufacturer or performed by Reiss.
23. Hourly data from each monitor and meteorological monitoring site, and 24-hour data from gravimetric monitors shall be downloaded as ASCII comma-delimited files and provided to EPA on CD every month. The files should have a single "header" row, with all following rows being individual records, and all columns being a single variable according to the header row. All filter analysis data, including any specification data shall also be provided.
24. Monthly reports and data specified in Items 22 and 23 above shall be submitted to EPA for a period of at least one year. Each report is due within 14 days of the end of the month being reported. At the end of 12 months, Reiss may apply to EPA for a modification or termination of this request. At that time, EPA will re-evaluate and adjust, if necessary, the Section 114(a) request.
25. Reiss shall submit these monthly reports to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

and also submit the monthly reports via electronic mail to miller.patrick@epa.gov

and to cantello.nicole@epa.gov.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING


I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Robert Valley
The C. Reiss Coal Company
Duluth Dock
50th Avenue West and LeSure
Duluth, Minnesota 55816

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Air Quality Division
Minnesota Pollution Control Agency
520 LaFayette Road North
St. Paul, Minnesota 55155

On the 5th day of March 2015.


for Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 6189

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Great Western Dock and Terminal
1031 Childs Road
St. Paul, Minnesota 55106**

ATTENTION:

**Thomas J. Swafford
Environmental Manager**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Great Western Dock and Terminal ("Great Western" or you) to submit certain information about the facility at 1031 Childs Road in St. Paul, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule provided in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information and monitoring. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Great Western owns and operates an emission source at the St. Paul, Minnesota facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan, requirements of your operating permit, and the CAA.

Great Western must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

and also submit the information via electronic mail to miller.patrick@epa.gov and to cantello.nicole@epa.gov.

Great Western must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks the collection of information from Great Western Dock and Terminal, a specific entity, as part of an administrative action or investigation.

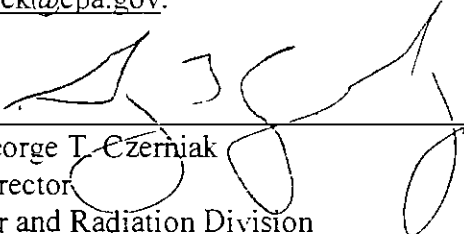
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Great Western to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Patrick Miller at 312.886.4044 or via electronic mail at miller.patrick@epa.gov.

Date

3/9/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image

format. If Excel format are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, and the Minnesota State Implementation Plan.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Great Western Dock and Terminal ("Great Western") must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) according to the schedule provided below for your facility located at 1031 Childs Road in St. Paul, Minnesota.

1. Within 10 days of receipt of this Request, Great Western shall submit a written certification of its intent to comply with this Request.
2. Within 10 days of receipt of this information request, provide a copy of Great Western's current air emissions operating permit issued by the Minnesota Pollution Control Agency.

For Items 3-22, the following monitoring, results, and general information for shall be installed/provided within the specified time frames:

PM₁₀ Monitors and Siting

3. Great Western shall install ambient air monitors for particulate matter (PM) at its facility.
4. Within 30 days of receipt of this information request, Great Western shall submit at least two possible monitoring site locations and a single proposed location for EPA review and approval prior to establishing the monitoring sites. The proposal for monitoring site locations shall include a map showing the property lines of the facility, the locations of nearby residences and industrial properties, and proposed locations of the monitoring sites. The monitoring site shall be placed in the prevailing downwind location. Great Western shall submit an annual wind rose and four seasonal wind roses showing wind patterns as reported for the past five years at the nearest available meteorological station.
5. Within 30 days of EPA approval of the monitoring site location specified in Item 4, Great Western shall install, operate, and maintain at least one ambient monitoring site at the facility. The site shall contain at least one continuous Federal Equivalent Method (FEM) real-time PM₁₀ monitor. The site shall contain at least one Federal Reference Method (FRM) PM₁₀ filter-based monitor operating every third day.
6. The monitoring site and monitoring equipment shall conform with the following requirements:
 - a. The PM₁₀ real-time and filter-based instruments shall meet all of the specifications of FRM/FEM monitors on this list;

www.epa.gov/ttn/amtic/files/ambient/criteria/reference-equivalent-methods-list.pdf;

- b. Great Western shall follow all monitoring, siting, and quality assurance criteria in 40 CFR Part 58, Appendix E;
 - c. PM₁₀ concentrations from filter-based sampling shall be determined according to 40 CFR Part 50, Appendix J – “Reference Method for the Determination of Particulate Matter as PM₁₀ in the Atmosphere”;
 - d. All data collected shall be consistent with units in the National Ambient Air Quality Standards for PM₁₀; and
 - e. A data logger shall be attached to the monitors to record readings from the continuous monitors.
- 7. Great Western shall follow all monitoring, siting, and quality assurance criteria as detailed in 40 CFR Part 58, Appendix A “Quality Assurance Requirements for SLAMS, SPMs, and PSD Air Monitoring” and Appendix D “Network Design Criteria for Ambient Air Quality Monitoring.”
 - 8. The monitors shall be operated in accordance with operating procedures identified in the Quality Assurance Handbook for Air Pollution Measurement Systems “Volume I: A Field Guide to Environmental Quality Assurance” and “Volume II: Ambient Air Quality Monitoring Program.”
 - 9. Great Western shall be responsible for all operation and maintenance associated with the PM₁₀ monitors. Great Western shall properly change the PM₁₀ filters in all sampling devices. Maintenance shall include, at a minimum, the replacement of any equipment and cleaning on a schedule specified in the manufacturer’s maintenance manual.
 - 10. Great Western shall order and pay for any necessary replacement parts, accessories, maintenance, etc.
 - 11. Great Western shall archive all filters from the PM₁₀ filter-based instruments for at least two years.
 - 12. Monitoring shall take place for at least one year from the date of installation.

Wind Speed and Direction Monitoring

- 13. Great Western shall install a meteorological tower at a location representative of local wind conditions. At a minimum, the meteorological tower must continuously measure and record wind speed and wind direction at one-hour intervals throughout the entire ambient monitoring period. Great Western shall

correlate 1-hr and 24-hr ambient PM₁₀ measurements with wind speed and wind direction data to determine source direction and the effects of wind speed on PM₁₀ concentrations (e.g., a pollution wind rose that displays the pollution concentration and wind direction frequency). The meteorological tower must also include calibrated ambient temperature and pressure instrumentation for purposes of determining corrected (actual) PM₁₀ concentrations as recorded by the monitors. Great Western shall maintain and/or submit reports and records in accordance with the paragraphs 14-22, below.

14. With respect to the meteorological monitoring site, Great Western shall follow the Quality Assurance Handbook for Air Pollution Measurement Systems Volume IV: Meteorological Measurements Version 2.0 (Final) found at: http://www.epa.gov/ttnamti1/files/ambient/met/Volume%20IV_Meteorological_Measurements.pdf
15. The internal clocks of all PM₁₀ analyzers, data loggers, and the wind speed and wind direction data logger shall be synchronized to within 60 seconds of each other (local time and not adjusted for Daylight Savings Time) and shall be checked against a calibrated reference clock at least once every 30 days. Instrument clocks that are more or less than 60 seconds from the reference clock shall be reset to within 60 seconds of the reference clock. Each of these inconsistencies and each reset time shall be noted in the study log.
16. Great Western shall be responsible for maintenance associated with the meteorological tower on a schedule specified in the manufacturer's maintenance manual. Great Western shall order and pay for any necessary replacement parts, accessories, maintenance, etc.

General Requirements Applicable to All Requests

17. Within 30 days of EPA approval of the monitoring sites, Great Western shall submit a Quality Assurance Project Plan (QAPP) to EPA. The guidance document for writing a QAPP is "EPA Guidance for Quality Assurance Project Plans," EPA QA/G-5, EPA/600/R-02/009 - December 2002. The guidance is available at <http://www.epa.gov/QUALITY/qs-docs/g5-final.pdf>.
18. Great Western shall provide EPA access to the monitoring sites and respond to any inquiries regarding monitor siting, operations, or maintenance. In the event that an inspector or auditor identifies problems, Great Western shall take appropriate corrective actions. Any changes made to monitor siting, operations, or maintenance shall be approved by EPA prior to the change.
19. Great Western shall keep a daily log and monthly reports of the following information:
 - a. Each site visit and operator activities;

- b. Any monitoring system downtime (date, time, duration, and reason) along with any corrective actions taken;
 - c. Any possible interferences observed by the operator such as nearby construction or demolition; and
 - d. Any calibration data provided by the manufacturer or performed by Great Western.
20. Hourly data from each monitor and meteorological monitoring site, and 24-hour data from gravimetric monitors shall be downloaded as ASCII comma-delimited files and provided to EPA on CD every month. The files should have a single "header" row, with all following rows being individual records, and all columns being a single variable according to the header row. All filter analysis data, including any specification data shall also be provided.
21. Monthly reports and data specified in Items 19 and 20 above shall be submitted to EPA for a period of at least one year. Each report is due within 14 days of the end of the month being reported. At the end of 12 months, Great Western may apply to EPA for a modification or termination of this request. At that time, EPA will re-evaluate and adjust, if necessary, the Section 114(a) request.
22. Great Western shall submit these monthly reports to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

and also submit the information via electronic mail to miller.patrick@epa.gov and to cantello.nicole@epa.gov.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

"Emission data" means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

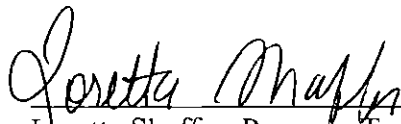
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Thomas J. Swafford
Great Western Dock and Terminal
1031 Childs Road
St. Paul, Minnesota 55106

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Air Quality Division
Minnesota Pollution Control Agency
520 LaFayette Road North
St. Paul, Minnesota 55155

On the 11 day of March 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2640 5632



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 28 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Keith Kuter
E.H.&S. Supervisor
Prospect Foundry LLC
1225 Winter Street N.E.
Minneapolis, Minnesota 55413

Dear Sir or Madam:

This is to advise you that the U.S. Environmental Protection Agency has determined that Prospect Foundry LLC (Prospect or you) is in violation of the Clean Air Act (CAA) at its facility located at 1225 Winter Street N.E., Minneapolis, Minnesota (facility). We are issuing Prospect a Finding of Violation (FOV) for these violations.

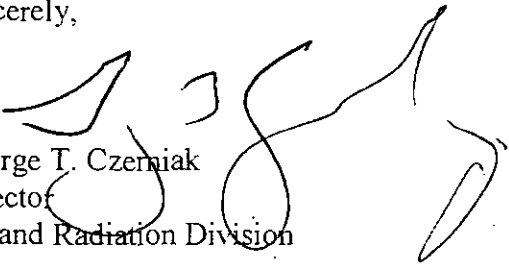
The CAA requires the development of standards for emissions of hazardous air pollutants (HAPs), called National Emission Standards for Hazardous Air Pollutants (NESHAPs). The purpose of NESHAPs is to reduce HAPs, including certain metals, which pose a threat to human health. The NESHAP for Iron and Steel Foundries Area Sources (Foundry NESHAP), 40 C.F.R. Part 63, Subpart ZZZZZ, sets forth requirements to minimize emissions of HAPs. EPA finds that the Prospect facility is violating the Foundry NESHAP as detailed in the following FOV.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Gregory Gehrig. You may contact him at 312.886.4434 or gehrig.greg@epa.gov if you wish to request a conference. EPA hopes that this FOV will encourage Prospect's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Sarah D. Kilgriff, MPCA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Prospect Foundry LLC
Minneapolis, Minnesota

Proceedings Pursuant to
the Clean Air Act
42 U.S.C. §§ 7401 et seq.

FINDING OF VIOLATION

EPA-5-15-MN-02

FINDING OF VIOLATION

Prospect Foundry LLC (you or Prospect) owns and operates a grey and ductile iron foundry at 1225 Winter Street N.E., Minneapolis, Minnesota (facility).

The U.S. Environmental Protection Agency (EPA) is sending this Finding of Violation (FOV) under Section 113 of the Clean Air Act (CAA) 42 U.S.C. § 7413 to notify you that we have found violations of the following the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (Foundry NESHAP), 40 C.F.R. Part 63, Subpart ZZZZZ, in violation of Section 112 of the CAA, 42 U.S.C. § 7412.

Explanation of Violations

1. The Foundry NESHAP rules relevant to this FOV are as follows:
 - a. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAPs) which present or may present a threat of adverse effects to human health or the environment.
 - b. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAPs, and to promulgate emission standards for each source category. These standards are known as “national emission standards for hazardous air pollutants,” or “NESHAPs.” EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.
 - c. The NESHAPs are national technology-based performance standards for HAPs sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category.

- d. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
 - e. On January 2, 2008, EPA promulgated the NESHAP for Iron and Steel Foundries at 40 C.F.R. Part 63, Subpart ZZZZZ (the Foundry NESHAP). *See* 73 Fed. Reg. 252.
 - f. The Foundry NESHAP applies to any person who owns or operates an iron or steel foundry that is an area source of HAP emissions. 40 C.F.R. § 63.10880(a).
 - g. The Foundry NESHAP applies to each existing affected source. 40 C.F.R. § 63.10880(b).
 - h. An affected source is existing if it was constructed or reconstructed before September 17, 2007. 40 C.F.R. § 63.10880(b)(1).
 - i. Pursuant to 40 C.F.R. § 63.10880(f), if an affected source's metal melt production for calendar year 2008 was less than 20,000 tons, the area source is considered a small foundry.
 - j. 40 C.F.R. § 63.10885(a)(1) requires a facility to operate at all times according to written material specifications for the acceptance of restricted metallic scrap after January 2, 2009.
 - k. 40 C.F.R. § 63.10890(e)(2) requires a facility to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a) since January 2, 2009.
 - l. 40 C.F.R. § 63.10885(b) requires a facility to comply with one of four options for mercury switches management practices after January 4, 2010. A facility must submit a site-specific plan or a certification of the selected option in the notice of compliance status.
 - m. 40 C.F.R. § 63.10890(e)(3) and/or (4) requires a facility to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) since January 4, 2010.
 - n. 40 C.F.R. § 63.10890(c)(2) requires a facility to submit a notification of compliance status for mercury switches management practices by February 3, 2010.
 - o. 40 C.F.R. § 63.10890(c)(3) requires a facility to submit a notification of compliance status for binder formulations management practices by February 1, 2009.
 - p. 40 C.F.R. § 63.10890(f) requires a facility to submit semiannual compliance reports that clearly identify any deviation from the pollution prevention management practices in 40 C.F.R. § 63.10885 or 40 C.F.R. § 63.10886 beginning July 30, 2009.
2. Based on an EPA inspection of Prospect on October 15, 2014, and a review of documents submitted to EPA by Prospect, you are violating the following the Foundry NESHAP requirements:

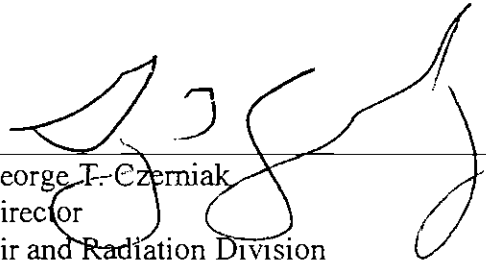
- a. Since January 2, 2009, the facility has failed to operate at all times according to written material specifications for the acceptance of restricted metallic scrap as required by 40 C.F.R. § 63.10885(a)(1).
- b. Since January 2, 2009, the facility has failed to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a), as required by 40 C.F.R. § 63.10890(e)(2).
- c. Since January 4, 2010, the facility has failed to comply with one of four mercury management practices as required by 40 C.F.R. § 63.10885(b).
- d. Since January 4, 2010, the facility has failed to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) as required by 40 C.F.R. § 63.10890(e)(3) and/or (4).
- e. Since February 3, 2010, the facility failed to submit a notification of compliance status for mercury switches management practices as required by 40 C.F.R. § 63.10890(c)(2).
- f. Since February 1, 2009, the facility failed to submit a notification of compliance status for binder formulations management practices as required by 40 C.F.R. § 63.10890(c)(3).
- g. Since July 30, 2009, the facility failed to submit semiannual compliance reports that clearly identify any deviation from the pollution prevention management practices in 40 C.F.R. § 63.10885 or 40 C.F.R. § 63.10886 as required by 40 C.F.R. § 63.10890(f).

Environmental Impact of Violations

- 3. Violation of the Foundry NESHAP standards for pollution prevention management practices increases possible public exposure to metal HAPs, including mercury compounds. Exposure to mercury compounds may result in damage to the gastrointestinal tract, the nervous system, and the kidneys.

Date

4/28/15


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shafer, certify that I sent a Finding of Violation, No. EPA-5-15-MN-02, by Certified Mail, Return Receipt Requested, to:

Keith Kuter
E.H.&S. Supervisor
Prospect Foundry LLC
1225 Winter Street N.E.
Minneapolis, Minnesota 55413

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Sarah D. Kilgriff
Industrial Air Compliance
Minnesota Pollution Control Agency
St. Paul -- 5
520 Lafayette Road N
St. Paul, MN 55155-4194

On the 30th day of April, 2015.

Kathy Jones
for Loretta Shafer, Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4916

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Agra Resources Coop d/b/a EXOL
d/b/a POET Biorefining – Glenville East
15300 780th Avenue
Albert Lea, Minnesota 56007**

ATTENTION:

Environmental Manager

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Agra Resources Coop d/b/a EXOL d/b/a POET Biorefining – Glenville East (POET or you) to submit certain information about the facility at 15300 780th Avenue, Albert Lea, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

POET owns and operates an emission source at the Albert Lea, Minnesota, facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan and the Clean Air Act.

POET must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

POET must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

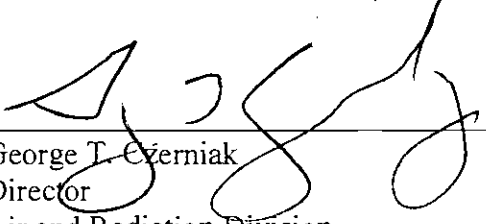
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject POET to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Eleanor Kane at (312) 353-4840.

Date

5/4/13


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

POET must submit the following information about the Albert Lea facility pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 days of receiving this request.

1. Provide map(s) or drawing(s), identifying all air emissions sources and associated processes at the facility, including, but not limited to: grain receiving and handling operations, corn storage bins, hammer mills, fermentation processes, thermal oxidizers, distillation processes, dryers, ethanol loading systems, scrubbers, baghouses, and tanks.
2. Provide a copy of each current air permit issued to POET for the facility by the Minnesota Pollution Control Agency (MPCA) including, but not limited to, operating permits, construction permits, and permit amendments.
3. Provide a copy of all permit applications submitted to MPCA since March 2005.
4. Provide copies of all annual emissions reports submitted to MPCA for the facility from 2009 to the present, and include:
 - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used; and
 - b. Any documents outlining procedures for calculating annual emissions.
5. Provide a list of all emissions tests conducted at the facility for any reason, from March 2005 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack test reports:
 - a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (e.g., before or after emission unit or air pollution control device), and the production rate of the associated emission unit. For each test during which the emission unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide copies of any Method 9 (visible emissions or opacity) readings performed at the facility from March 2010 to the present.

7. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports, or equivalent documents submitted to MPCA or EPA for the facility since March 2010.
8. Provide records of monthly and 12-month rolling emissions of individual Hazardous Air Pollutants (HAP) and total HAP emissions for March 2010 to the present. Provide an explanation for how the numbers are calculated, including the source of any emissions factors used.
9. Provide records of the 12-month rolling average of the following for March 2009 to the present:
 - a. Ethanol production, without denaturant (gallons/year);
 - b. Corn throughput, based on 56 pounds per bushel (tons/year);
 - c. Distillers dry grains (DDGS) throughput; and
 - d. Hours of CO₂ recovery plant operation.
10. Provide a copy of the current operations and maintenance plan for each piece of air pollution control equipment.
11. Provide the following information for each of the fabric filters in the group GP-002 and GP-004, from March 2010 to the present:
 - a. The pressure drop operating range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits; and
 - b. Records of visible emissions checks;
 - c. The recorded pressure drop across the filters;
 - d. The corrective action taken for each deviation from the pressure drop operating range or any visible emissions; and
 - e. Records of control equipment component inspections and annual hood evaluations.
12. Provide an electronic spreadsheet with the following information for the thermal oxidizer (TO, EU053) from March 2010 to the present:
 - a. Monthly propane use;
 - b. The minimum operating temperatures established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The recorded operating temperature the three-hour rolling average temperature;
 - d. The corrective action taken for each deviation from minimum operating temperature;
 - e. Records of the calibration of the temperature monitor; and
 - f. Records of the quarterly and annual inspections of the control equipment.

13. For March 2010 to the present, provide the monthly total gallons of undenatured ethanol that was loaded while uncontrolled at the Ethanol Truck Loadout (EU 120) and at the Ethanol (Rail) Loading Area (FS-001).
14. Provide an electronic spreadsheet with the following information for the Fermentation Adsorption Column (CE006) from March 2010 to the present:
 - a. The recorded pressure drop across the column;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The water liquid flow rate;
 - e. The minimum water flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum water flow rate; and
 - g. The date and duration of all adsorption column shutdowns.
15. Explain how emissions ducted to the Adsorption Column (CE006) are handled in the event of a shutdown of the column.
16. Provide an electronic spreadsheet with the following information for the Distillation Adsorption Column (CE019) from March 2010 to the present:
 - a. The recorded pressure drop across the column;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The water liquid flow rate, and the operating status of the CO₂ plant;
 - e. The minimum water flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum water flow rate; and
 - g. The date and duration of all adsorption column shutdowns.
17. Explain how emissions ducted to the Adsorption Column (CE019) are handled in the event of a shutdown of the column.
18. From March 2005 to the present, provide the total annual production capacity (in million gallons of denatured ethanol) for the facility. For months when the total capacity increased from the previous month, provide a brief explanation for the cause of the increase.

19. For the facility's leak detection and repair program, provide the following, from the facility's first day of operation to the present:
 - a. A copy of all applicable notifications and reporting documents required by 40 C.F.R. § 60.487a;
 - b. Any permit deviation reports (quarterly compliance reports); and
 - c. A copy of the most recent leaking components monitoring log, which lists all components tested and the status of each component inspected during the monitoring period.
20. Provide the following documents related to 40 C.F.R. Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources:
 - a. Any Notification of Compliance Status submitted pursuant to 40 C.F.R. § 63.1150(b);
 - b. All records kept pursuant to 40 C.F.R. § 63.1150(c), from January 2013 to the present;
 - c. Any Semi-Annual Compliance Reports submitted pursuant to 40 C.F.R. § 63.1150(d) from January 2013 to the present; and
 - d. If there are no documents responsive to a, b, and c, above, provide documentation demonstrating that the source is not subject to the rule.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

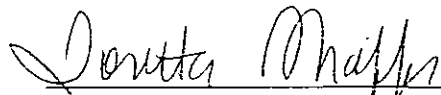
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Attn: Environmental Manager
POET Biorefining – Glenville East
15300 780th Avenue
Albert Lea, Minnesota 56007

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North

On the 7 day of May 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7064 2870 0001 9580 5005

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Northstar Ethanol LLC
d/b/a POET Biorefining – Lake Crystal
19200 499th Avenue
Lake Crystal, Minnesota 56066**

ATTENTION:

**Mr. Matt Fodness
Technical Manager**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Northstar Ethanol LLC d/b/a POET Biorefining – Lake Crystal (POET or you) to submit certain information about the facility at 19200 499th Avenue, Lake Crystal, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

POET owns and operates an emission source at the Lake Crystal, Minnesota, facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan and the Clean Air Act.

POET must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

POET must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject POET to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Eleanor Kane at (312) 353-4840.

Date

5/4/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

POET must submit the following information about the Lake Crystal facility pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 days of receiving this request.

1. Provide map(s) or drawing(s), identifying all air emissions sources and associated processes at the facility, including, but not limited to: grain receiving and handling operations, corn storage bins, hammer mills, fermentation processes, thermal oxidizers, distillation processes, dryers, ethanol loading systems, scrubbers, baghouses, and tanks.
2. Provide a copy of each current air permit issued to POET for the facility by the Minnesota Pollution Control Agency (MPCA) including, but not limited to, operating permits, construction permits, and permit amendments.
3. Provide a copy of all permit applications submitted to MPCA since March 2005.
4. Provide copies of all annual emissions reports submitted to MPCA for the facility from 2009 to the present, and include:
 - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used; and
 - b. Any documents outlining procedures for calculating annual emissions.
5. Provide a list of all emissions tests conducted at the facility for any reason, from March 2005 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack test reports:
 - a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (e.g., before or after emission unit or air pollution control device), and the production rate of the associated emission unit. For each test during which the emission unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide copies of any Method 9 (visible emissions or opacity) readings performed at the facility from March 2010 to the present.

7. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports, or equivalent documents submitted to MPCA or EPA for the facility since March 2010.
8. Provide records of monthly and 12-month rolling emissions of individual Hazardous Air Pollutants (HAP) and total HAP emissions for March 2010 to the present. Provide an explanation for how the numbers are calculated, including the source of any emissions factors used.
9. Provide records of the 12-month rolling sum of the following for March 2009 to the present:
 - a. Ethanol production, without denaturant (gallons/year); and
 - b. Corn throughput, based on 56 pounds per bushel (tons/year)
10. Provide a copy of the current operations and maintenance plan for each piece of air pollution control equipment.
11. Provide an electronic spreadsheet with the following information for the wet scrubber (CE007) from March 2010 to the present:
 - a. The recorded pressure drop across the scrubber;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The scrubber liquid flow rate and, for each reading, whether or not emissions were vented to the RTO;
 - e. The minimum scrubber liquid flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum scrubber water flow rate; and
 - g. The date and duration of all scrubber shutdowns.
12. Explain how emissions ducted to the wet scrubber (CE007) are handled in the event of a scrubber shutdown.
13. Provide performance test data (unless provided in response to Request 5) and engineering calculations documenting the volatile organic compound control efficiency of the wet scrubber (CE007) when emissions are not vented to the regenerative thermal oxidizer (RTO).
14. Provide an electronic spreadsheet with the following information for the RTO (CE008) from March 2010 to the present:
 - a. Daily records showing the hours of and reasons for the by-passing of the RTO by some or all of the emissions from Fermentation and Distillation (GP003);
 - b. Records of any corrective action taken in response to an RTO bypass;

- c. The recorded operating temperature the three-hour rolling average temperature;
 - d. The minimum operating temperatures established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - e. The corrective action taken for each deviation from minimum operating temperature;
 - f. Records of the calibration of the temperature monitor; and
 - g. Records of the quarterly and annual inspections of the control equipment;
15. Provide the following information for each of the fabric filters in the group GP-006, from March 2010 to the present:
- a. Calculations or assessments of the unit's capture efficiency and control efficiency for total particulate matter, particulate matter less than 10 microns (PM10), and particulate matter less than 2.5 microns (PM2.5);
 - b. The pressure drop operating range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. Records of visible emissions checks;
 - d. The recorded pressure drop across the filters;
 - e. The corrective action taken for each deviation from the pressure drop operating range or any visible emissions; and
 - f. Records of control equipment component inspections and annual hood evaluations.
16. For March 2010 to the present, provide the hourly beer feed rate to the Dryers (PG008).
17. For March 2010 to the present, provide records for use of the Dryer A Emergency Bypass (SV013), Dryer B Emergency Bypass (SV019), and the Centrifuge Emergency Bypass (SV015). For each bypass event, include the date, start time, duration, facility operating conditions during the use, and any root-cause failure analysis report submitted to MPCA.
18. For March 2010 to the present, provide daily records showing the events during which some or all of the emissions from the DDGS Fluid Bed Cooler (EU043) bypassed the dryer burners (EU040 and EU041) and the auxiliary boiler burners (EU046 and EU054). Record should show the event duration, in hours, and the reason for the bypass.
19. For March 2010 to the present, provide records of the Loadout Flare (EU047) operations, including the daily number of hours and the twelve month rolling total number of hours.
20. Provide the following information for each of the fabric filter CE-001, from March 2010 to the present:
- a. Calculations or assessments of the units control efficiency for total particulate matter, particulate matter less than 10 microns (PM10), and particulate matter less than 2.5 microns (PM2.5);

- b. The pressure drop-operating-range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. Records of visible emissions checks;
 - d. The recorded pressure drop across the filters;
 - e. The corrective action taken for each deviation from the pressure drop operating range or any visible emissions; and
 - f. Records of control equipment component inspections.
- 21. From March 2005 to the present, provide the total annual production capacity (in million gallons of denatured ethanol) for the facility. For months when the total capacity increased from the previous month, provide a brief explanation for the cause of the increase.
- 22. From March 2010 to the present, provide a list of operational changes made at the fermentation processes, including changes to the enzymes or microbes used in the process. For each change on the list, provide:
 - a. The date the change was implemented;
 - b. A description of the change;
 - c. An estimate of the impact on air emissions from the fermentation process and an explanation of how the estimate was calculated; and
 - d. Whether the change resulted in an increase of production.
- 23. For the facility's leak detection and repair program, provide the following, from the facility's first day of operation to the present:
 - a. A copy of all applicable notifications and reporting documents required by 40 C.F.R. § 60.487a;
 - b. Any permit deviation reports (quarterly compliance reports); and
 - c. A copy of the most recent leaking components monitoring log, which lists all components tested and the 325998 status of each component inspected during the monitoring period.
- 24. Provide the following documents related to 40 C.F.R. Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources:
 - a. Any Notification of Compliance Status submitted pursuant to 40 C.F.R. § 63.1150(b);
 - b. All records kept pursuant to 40 C.F.R. § 63.1150(c), from January 2013 to the present;
 - c. Any Semi-Annual Compliance Reports submitted pursuant to 40 C.F.R. § 63.1150(d) from January 2013 to the present; and
 - d. If there are no documents responsive to a, b, and c, above, provide documentation demonstrating that the source is not subject to the rule.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

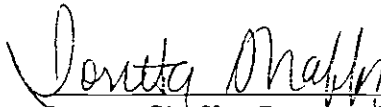
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Mr. Matt Fodness
Northstar Ethanol LLC d/b/a POET
19200 499th Avenue
Lake Crystal, MN 56055

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North

On the 7 day of May 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4992

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Ethanol 2000 LLP
d/b/a POET Biorefining – Bingham Lake
RR 1
Bingham Lake, Minnesota 56118**

ATTENTION:

Environmental Manager

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Ethanol 2000 LLP d/b/a POET Biorefining – Bingham Lake (POET or you) to submit certain information about the facility at RR 1, Bingham Lake, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

POET owns and operates an emission source at the Bingham Lake, Minnesota, facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan and the Clean Air Act.

POET must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

POET must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

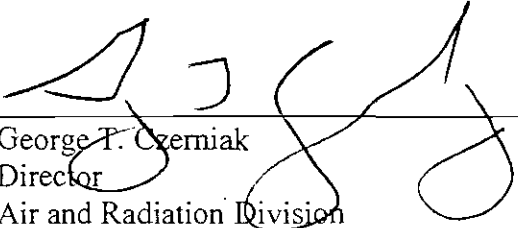
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject POET to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761.

Date

5/4/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

POET must submit the following information about the Bingham Lake facility pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within 30 days of receiving this request.

1. Provide map(s) or drawing(s), identifying all air emissions sources and associated processes at the facility, including, but not limited to: grain receiving and handling operation, corn storage bins, hammer mills, fermentation process, thermal oxidizer, distillation process, dryers, ethanol loading system, scrubbers, baghouses, and tanks.
2. Provide a copy of each current air permit issued to POET for the facility by the Minnesota Pollution Control Agency (MPCA) including, but not limited to, operating permits, construction permits, and permit amendments.
3. Provide a copy of all permit applications submitted to MPCA since April 2005.
4. Provide copies of all annual emissions reports submitted to MPCA for the facility from 2009 to the present, and include:
 - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used; and
 - b. Any documents outlining procedures for calculating annual emissions.
5. Provide a list of all emissions tests conducted at the facility for any reason, from April 2005 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack test reports:
 - a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (e.g., before or after emission unit or air pollution control device), and the production rate of the associated emission unit. For each test during which the emission unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide copies of any Method 9 (visible emissions or opacity) readings performed at the facility from April 2010 to the present.

7. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports, or equivalent documents submitted to MPCA or EPA for the facility since April 2010.
8. Provide records of monthly and 12-month rolling emissions of individual Hazardous Air Pollutants (HAP) and total HAP emissions for April 2009 to the present. Provide an explanation for how the numbers are calculated, including the source of any emissions factors used.
9. Provide records of the 12-month rolling sum of the following for April 2009 to the present:
 - a. Ethanol production, without denaturant (gallons/year); and
 - b. Corn throughput, based on 56 pounds per bushel (tons/year)
10. Provide a copy of the current operations and maintenance plan for each piece of air pollution control equipment.
11. Provide an electronic spreadsheet with the following information for the fermentation scrubber (CE003) from April 2010 to the present:
 - a. The recorded pressure drop across the scrubber;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The recorded scrubber liquid flow rate, and whether the CO₂ recovery plant is online;
 - e. The minimum scrubber liquid flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum scrubber water flow rate;
 - g. The date and duration of all scrubber shutdowns; and
 - h. The date and duration of periods that scrubber was not in operation but associated emission units were in operation.
12. Explain how emissions ducted to the fermentation scrubber (CE003) are handled in the event of a scrubber shutdown.
13. Provide an electronic spreadsheet with the following information for the distillation scrubber (CE010) from April 2010 to the present:
 - a. The recorded pressure drop across the scrubber;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;

- c. The corrective action taken for each deviation from the pressure-drop operating range;
 - d. The recorded scrubber liquid flow rate;
 - e. The minimum scrubber liquid flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum scrubber water flow rate;
 - g. The date and duration of all scrubber shutdowns;
 - h. The date and duration of periods that scrubber was not in operation but associated emission units were in operation;
 - i. Records of the calibration of the temperature monitor; and
 - j. Records of the quarterly and annual inspections of the control equipment.
14. Explain how emissions ducted to the distillation scrubber (CE010) are handled in the event of a scrubber shutdown.
15. Provide an electronic spreadsheet with the following information for the RTO (CE013) from April 2010 to the present:
- a. Daily records showing the hours of and reasons for the by-passing of the RTO when the DDGS dryers are in operation;
 - b. Records of any corrective action taken in response to an RTO bypass;
 - c. The recorded operating temperature and the three-hour rolling average temperature;
 - d. The minimum operating temperatures established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - e. The corrective action taken for each deviation from minimum operating temperature;
 - f. Records of the calibration of the temperature monitor; and
 - g. Records of the quarterly and annual inspections of the control equipment.
16. Provide the following information for each of the fabric filters in the group GP 001, from April 2010 to the present:
- a. Calculations or assessments of the unit's capture efficiency and control efficiency for total particulate matter, particulate matter less than 10 microns (PM10), and particulate matter less than 2.5 microns (PM2.5);
 - b. The pressure drop operating range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. Records of visible emissions checks;
 - d. The recorded pressure drop across the filters;
 - e. The corrective action taken for each deviation from the pressure drop operating range or any visible emissions;

- f. Records of control equipment component inspections and annual hood evaluations; and
 - g. Documentation of periods when the fabric filter was not in operation but the associated emission unit(s) were in operation.
- 17. From April 2005 to the present, provide the total annual production capacity (in million gallons of denatured ethanol) for the facility. For months when the total capacity increased from the previous month, provide a brief explanation for the cause of the increase.
- 18. From April 2010 to the present, provide a list of operational changes made at the fermentation processes, including changes to the enzymes or microbes used in the process. For each change on the list, provide:
 - a. The date the change was implemented;
 - b. A description of the change;
 - c. An estimate of the impact on air emissions from the fermentation process and an explanation of how the estimate was calculated; and
 - d. Whether the change resulted in an increase of production.
- 19. For the facility's leak detection and repair program, provide the following, from the facility's first day of operation to the present:
 - a. A copy of all applicable notifications and reporting documents required by 40 C.F.R. § 60.487a;
 - b. Any permit deviation reports (quarterly compliance reports); and
 - c. A copy of the most recent leaking components monitoring log, which lists all components tested and the status of each component inspected during the monitoring period.
- 20. For storage tanks subject to the New Source Performance Standards for Volatile Organic Liquid Storage Vessels at 40 C.F.R. Part 60, Subpart Kb, provide records of all initial notifications and inspections from the facility's first day of operation to present.
- 21. Provide the following documents related to 40 C.F.R. Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources:
 - a. Any Notification of Compliance Status submitted pursuant to 40 C.F.R. § 63.1150(b);
 - b. All records kept pursuant to 40 C.F.R. § 63.1150(c), from January 2013 to the present;
 - c. Any Semi-Annual Compliance Reports submitted pursuant to 40 C.F.R. § 63.1150(d), from January 2013 to the present; and
 - d. If there are no documents responsive to a, b, and c, above, provide documentation demonstrating that the source is not subject to the rule.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

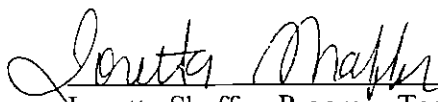
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Environmental Manager
Ethanol 2000 LLP d/b/a POET Biorefining - Bingham Lake
RR 1
Bingham Lake, MN 56118

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

On the 7 day of May 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4985

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**POET Biorefining -- Preston
701 Industrial Drive North
Preston, Minnesota 55965**

ATTENTION:

Environmental Manager

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring POET Biorefining – Preston (POET or you) to submit certain information about the facility at 701 Industrial Drive North, Preston, Minnesota. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

POET owns and operates an emission source at the Preston, Minnesota, facility. We are requesting this information to determine whether your emission source is complying with the Minnesota State Implementation Plan and the Clean Air Act.

POET must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

POET must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

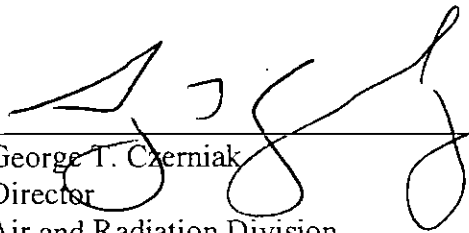
We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject POET to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761.

Date

5/4/15


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

POET must submit the following information about the Preston facility pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within 30 days of receiving this request.

1. Provide map(s) or drawing(s), identifying all air emissions sources and associated processes at the facility, including, but not limited to: grain receiving and handling operation, corn storage bins, hammer mills, fermentation process, thermal oxidizer, distillation process, dryers, ethanol loading system, scrubbers, baghouses, and tanks.
2. Provide a copy of each current air permit issued to POET for the facility by the Minnesota Pollution Control Agency (MPCA) including, but not limited to, operating permits, construction permits, and permit amendments.
3. Provide a copy of all permit applications submitted to MPCA since April 2005.
4. Provide copies of all annual emissions reports submitted to MPCA for the facility from 2009 to the present, and include:
 - a. A narrative describing the method used for the annual emissions calculations for each pollutant, including the basis of any emissions factors used; and
 - b. Any documents outlining procedures for calculating annual emissions.
5. Provide a list of all emissions tests conducted at the facility for any reason, from April 2005 to the present, and provide copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack test reports:
 - a. **List:** Identify the emissions unit, the date of the test, the federal or state regulation requiring the test (if applicable), the test method(s) used, the physical location of the sample collection points (e.g., before or after emission unit or air pollution control device), and the production rate of the associated emission unit. For each test during which the emission unit was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with MPCA.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations.
6. Provide copies of any Method 9 (visible emissions or opacity) readings performed at the facility from April 2010 to the present.

7. Provide copies of all quarterly reports, semi-annual compliance reports, deviation reports; or equivalent documents submitted to MPCA or EPA for the facility since April 2010.
8. Provide records of monthly and 12-month rolling emissions of individual Hazardous Air Pollutants (HAP) and total HAP emissions for April 2009 to the present. Provide an explanation for how the numbers are calculated, including the source of any emissions factors used.
9. Provide records of the 12-month rolling sum of the following for April 2009 to the present:
 - a. Ethanol production, without denaturant (gallons/year); and
 - b. Corn throughput, (tons/year).
10. Provide a copy of the current operations and maintenance plan for each piece of air pollution control equipment.
11. Provide an electronic spreadsheet with the following information for the fermentation scrubber (CE009) from April 2010 to the present:
 - a. The recorded pressure drop across the scrubber;
 - b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The recorded scrubber liquid flow rate, and whether the scrubber is directly venting to the atmosphere;
 - e. The minimum scrubber liquid flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum scrubber water flow rate;
 - g. The date and duration of all scrubber shutdowns;
 - h. The date and duration of periods that scrubber was not in operation but associated emission units were in operation; and
 - i. The date and duration of periods when the fermentation scrubber was vented directly to the atmosphere.
12. Explain how emissions ducted to the fermentation scrubber (CE009) are handled in the event of a scrubber shutdown.
13. Provide an electronic spreadsheet with the following information for the distillation scrubber (CE010) from April 2010 to the present:
 - a. The recorded pressure drop across the scrubber;

- b. The pressure drop operating range, established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. The corrective action taken for each deviation from the pressure drop operating range;
 - d. The recorded scrubber liquid flow rate;
 - e. The minimum scrubber liquid flow rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - f. The corrective action taken for each deviation from the minimum scrubber water flow rate;
 - g. The date and duration of all scrubber shutdowns;
 - h. Explain how emissions ducted to the scrubber are handled in the event of a scrubber shutdown;
 - i. The date and duration of periods that scrubber was not in operation but associated emission units were in operation;
 - j. Records of the calibration of the temperature monitor; and
 - k. Records of the quarterly and annual inspections of the control equipment.
14. Explain how emission ducted to the distillation scrubber (CE010) are handled in the event of a scrubber shutdown.
15. Provide an electronic spreadsheet with the following information for the RTO (CE020) from April 2010 to the present:
- a. Daily records showing the hours of and reasons for the by-passing of the RTO when the DDGS dryers are in operation;
 - b. Records of any corrective action taken in response to an RTO bypass;
 - c. The recorded operating temperature and the three-hour rolling average temperature;
 - d. The minimum operating temperatures established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - e. The corrective action taken for each deviation from minimum operating temperature;
 - f. Records of the calibration of the temperature monitor; and
 - g. Records of the quarterly and annual inspections of the control equipment.
16. Provide the following information for each of the fabric filters in the group GP 002, from April 2010 to the present:
- a. Calculations or assessments of the unit's capture efficiency and control efficiency for total particulate matter, particulate matter less than 10 microns (PM10), and particulate matter less than 2.5 microns (PM2.5);

- b. The pressure drop operating range established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of these operating limits;
 - c. Records of visible emissions checks;
 - d. The recorded pressure drop across the filters;
 - e. The corrective action taken for each deviation from the pressure drop operating range or any visible emissions;
 - f. Records of control equipment component inspections and annual hood evaluations; and
 - g. Documentation of periods when the fabric filter was not in operation but the associated emission unit(s) were in operation.
- 17. From April 2010 to the present, provide an electronic spreadsheet with the daily beer feed rate at the Beer Stripper (EU 009) using a 24-hour average.
- 18. Provide an electronic spreadsheet with the following information for the DDGS Dryer/Burner (EU 015) from April 2010 to the present:
 - a. The daily syrup feed rate in gallons per minute as a 24-hour average; and
 - b. The maximum syrup feed rate established for regulatory compliance, the method used to establish the values (reference performance test as applicable), and the effective date of the limit.
- 19. From April 2005 to the present, provide the total annual production capacity (in million gallons of denatured ethanol) for the facility. For months when the total capacity increased from the previous month, provide a brief explanation for the cause of the increase.
- 20. From April 2010 to the present, provide a list of operational changes made at the fermentation processes, including changes to the enzymes or microbes used in the process. For each change on the list, provide:
 - a. The date the change was implemented;
 - b. A description of the change;
 - c. An estimate of the impact on air emissions from the fermentation process and an explanation of how the estimate was calculated; and
 - d. Whether the change resulted in an increase of production.
- 21. For the facility's leak detection and repair program, provide the following, from the facility's first day of operation to the present:
 - a. A copy of all applicable notifications and reporting documents required by 40 C.F.R. § 60.487a;
 - b. Any permit deviation reports (quarterly compliance reports); and
 - c. A copy of the most recent leaking components monitoring log, which lists all components tested and the status of each component inspected during the monitoring period.

22. For storage tanks subject to the New Source Performance Standards for Volatile Organic Liquid Storage Vessels at 40 C.F.R. Part 60, Subpart Kb, provide records of all initial notifications and inspections from the facility's first day of operation to the present.
23. Provide the following documents related to 40 C.F.R. Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources:
- a. Any Notification of Compliance Status submitted pursuant to 40 C.F.R. § 63.1150(b);
 - b. All records kept pursuant to 40 C.F.R. § 63.1150(c), from January 2013 to the present;
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Appendix C

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Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

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1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

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CERTIFICATE OF MAILING

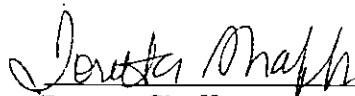
I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Environmental Manager
POET Biorefining - Preston
701 Industrial Drive
Preston, MN 55965

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by First-Class Mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

On the 7 day of May 2015.



Loretta Shaffer, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9580 4978